



THE LAND ACT REGULATIONS 1949, AMENDMENT NO. 6

DENIS BLUNDELL, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 2nd day of December 1974

Present:

THE RIGHT HON. W. E. ROWLING PRESIDING IN COUNCIL

PURSUANT to the Land Act 1948, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Land Act Regulations 1949, Amendment No. 6, and shall be read together with and deemed part of the Land Act Regulations 1949* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the date of their notification in the *Gazette*.

2. Notices—Regulation 10 of the principal regulations is hereby amended by omitting the words “section 126 or section 127 or section 129 of the Act”, and substituting the words “section 126, section 126A, section 127, or section 129 of the Act”.

3. Notice of review of rent—(1) The principal regulations are hereby further amended by inserting, after regulation 11, the following regulation:

“11A. (1) Every notice by the Commissioner to a lessee pursuant to section 132A (2) of the Act shall be given in the form numbered 7A in the First Schedule to these regulations, or in a form to that effect.

“(2) Every notice of election by a lessee pursuant to section 132A (2) of the Act shall be given in the form numbered 7B in the First Schedule to these regulations, or in a form to that effect.”

*S.R. 1949/37

Amendment No. 1: S.R. 1952/181

Amendment No. 2: S.R. 1958/170

Amendment No. 3: S.R. 1962/10

Amendment No. 4: S.R. 1964/114

Amendment No. 5: (*Revoked by Act, 1968, No. 50, s. 5 (3) (b)*)

4. Penalties—(1) The principal regulations (as amended by section 7 of the Decimal Currency Act 1964) are hereby further amended—

- (a) By omitting from regulation 17 (16) the expression “\$10”, and substituting the expression “\$200”;
- (b) By omitting from subclause (22) of regulation 18 (as substituted by regulation 2 of the Land Act Regulations 1949, Amendment No. 3, and amended by regulation 2 of the Land Act Regulations 1949, Amendment No. 4) the expression “\$100” and substituting the expression “\$200”;
- (c) By omitting from regulation 20 (3) the expression “\$10”, and substituting the expression “\$200”;
- (d) By omitting from regulation 20 (4) the expression “\$10”, and substituting the expression “\$200”;
- (e) By omitting from regulation 21 (1) the expression “\$10”, and substituting the expression “\$200”;
- (f) By omitting from regulation 24 (2) the expression “\$10”, and substituting the expression “\$200”.

(2) The Land Act Regulations 1949, Amendment No. 4, is hereby consequentially revoked.

5. Fee for inspecting or copying original map or plan—Regulation 33 (4) of the principal regulations (as amended by section 7 of the Decimal Currency Act 1964) is hereby further amended by omitting the expression “10c”, and substituting the expression “\$2”.

6. Forms—(1) The First Schedule to the principal regulations is hereby amended by revoking forms 2 to 7, and substituting the forms 2 to 7 set out in the Schedule to these regulations.

(2) The First Schedule to the principal regulations is hereby further amended by inserting, after form 7 (as substituted by subclause (1) of this regulation), forms 7A and 7B set out in the Schedule to these regulations.

SCHEDULE

Reg. 6

FORMS

“Form No. 2

[Reg. 9 (1)

NOTICE BY LESSEE(S) OR LICENSEE(S) OF INTENTION TO PURCHASE
FEE-SIMPLE OF LAND COMPRISED IN LEASE OR LICENCE

[Address and Date]

The Commissioner of Crown Lands,
I/WE [Full name(s)], being the lessee(s) (licensee(s)) of [Legal description of land] with a total area of hereby give you notice, pursuant to section 122 of the Land Act 1948, of my/our intention to purchase the fee-simple of the land comprised in the said lease (or licence).

I/We enclose the prescribed valuation fee of \$.....

.....
Lessee(s) (or Licensee(s)).

(NOTE—Documents and remittances should be sent by registered post.)

“Form No. 3

[Reg. 9 (2)

NOTICE BY COMMISSIONER OF CROWN LANDS INFORMING LESSEE(S) OR LICENSEE(S) OF THE PURCHASE PRICE PURSUANT TO SECTION 122 (8) OF THE LAND ACT 1948

[Address and Date]

Name(s) of Lessee(s) or Licensee(s)
Address:.....
Land:.....
Area:.....

REFERRING to your notice of intention to purchase the fee simple of the above land at present held by you on [Type of lease or licence], the following are the values ascertained as required by section 122 (5) of the Land Act 1948:

- (a) All improvements on the land \$.....
(b) The Crown's improvements at the commencement of the lease \$.....
(c) Land exclusive of improvements \$.....

The value of the lessee's goodwill in the lease (if any) calculated in accordance with section 122 (7A) is \$.....

Section 122 (7) provides that the purchase price shall be the sum of (b) and (c)—that is \$..... less \$....., being the goodwill calculated under subsection (7A). The net purchase price is \$.....

Section 122 (10) requires that, within one month after the receipt of this notice, you shall elect by notice in writing to me whether you will purchase the land for cash or on deferred payments, and also whether you accept the purchase price or require it to be determined by the Administrative Division of the Supreme Court. If you omit to give that notice, the Act says that you are deemed to have agreed to the values set out in this notice and to have elected to purchase the fee simple for cash.

If you elect to purchase on deferred payments the term of the deferred payment licence will be years, and the half-yearly instalments of principal and interest (calculated at percent per annum) will be \$..... subject to a rebate for prompt payment of of the interest portion of the charge, and to review of interest rate in accordance with section 170B of the Land Act 1948. You may if you wish pay a larger deposit and have a shorter term in which to pay the purchase price or in any event a shorter term of repayment could be considered. During the term of the licence, you may at any time pay off the balance of the purchase money.

When notifying me of your election, will you please arrange to have your lease (or licence) forwarded to me. The necessary payments must be made within 3 months after the delivery of this notice to you or after the sealing of the order of the Court, as the case may be. Section 124 (3) of the Land Act 1948 provides that if you default in any payment, the contract to purchase may be cancelled and you will be unable without my approval to again exercise your right of purchase until the expiry of 5 years. The required payments are—

If you purchase for cash—			If you purchase on deferred payments—		
Purchase price	\$.....	Deposit	\$.....
Title fee	\$.....	Licence fee	\$.....
		<u>\$.....</u>			<u>\$.....</u>
		<u> </u>			<u> </u>

Your rent is paid to and any overpayment beyond the date of payment of the purchase price or deposit can be credited to the purchase price or deposit payable. Rent is calculated at the rate of 1/365th of the annual rent for every day rent is payable.

If you fix a definite date for settlement, the exact amount payable will be calculated and communicated to you. The date fixed should be at least 14 days ahead to allow for possible delays in transmission by post.

A form is enclosed for notifying me of your election.

Yours faithfully,

.....
Commissioner of Crown Lands.

Register, A.R.

Encl.: Form of election.

(NOTE—Documents and remittances should be sent by registered post.)

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"Form No. 4

[Reg. 9 (3)]

NOTICE BY LESSEE(S) OR LICENSEE(S) OF ELECTION PURSUANT TO SECTION 122 (10) OF THE LAND ACT 1948

[Address and Date]

The Commissioner of Crown Lands,

REFERRING to your notice dated I/We [Full name(s)] hereby give notice pursuant to section 122 (10) of the Land Act 1948, that I/We elect as follows:

- * (1) (a) To purchase the fee simple of the above land for cash.
- (b) To purchase the fee simple of the above land on deferred payments.
- * (2) (a) To agree to the purchase price set out in your notice.
- (b) To require the purchase price to be determined by the Administrative Division of the Supreme Court.

My/Our lease (or licence) is enclosed (or I/We have arranged for to forward it to you.)

.....
Lessee(s) (or Licensee(s)).

(NOTE—The lease or licence should be forwarded to the Commissioner by registered post.)

*Please cross out all the options which are not applicable.

“Form No. 5

[Reg. 10

NOTICE BY LESSEE(S) OR LICENSEE(S) OF INTENTION TO SURRENDER EXISTING LEASE OR LICENCE AND OBTAIN IN EXCHANGE A NEW LEASE OR LICENCE

[Address and Date]

The Commissioner of Crown Lands,

I/We [Full name(s)] being the owner(s) of [Type of lease or licence] of [Legal description of land] comprising ha m² hereby give notice, pursuant to section 126 (or 126A or 127 or 129) of the Land Act 1948 of my/our intention to surrender my/our present lease (or licence) over the said land and to obtain in exchange therefor a renewable lease (or new deferred payment licence).

[Where the lease or licence is subject to a mortgage or other registered interest add: I/We attach the consent of the mortgagee (or the consent(s) of the holders of other registered interests) to the surrender of my/our present lease (or licence) in exchange for a renewable lease (or new deferred payment licence)].

..... Lessee(s) (or Licensee(s)).

“Form No. 6

[Reg. 11 (1)

NOTICE BY COMMISSIONER OF CROWN LANDS INFORMING LESSEE(S) OF VALUES OF LAND AND IMPROVEMENTS FOR RENEWAL PURPOSES PURSUANT TO SECTION 131 (6) OF THE LAND ACT 1948

[Address and Date]

Name(s) of Lessee(s)

Address

Renewal of lease over Area:

YOUR lease over the above land will expire on [Date]

You are entitled to a renewal of your lease at a rental based on the value of the land exclusive of improvements. The renewal of your lease is conditional on your purchasing for cash or by instalments the Crown improvements which were included in the rental value at the commencement of your existing lease according to their value at that time.

The values have been fixed by the Land Settlement Board in terms of section 131 (1) of the Land Act 1948 as follows:

- (a) All improvements on the land \$.....
- (b) Crown improvements at commencement of the lease \$.....
- (c) Land exclusive of improvements \$.....

You are accordingly offered a renewable lease under the provisions of the Land Act 1948 for a term of 33 years on the following terms:

The yearly rent for the first period of 11 years of the term of new lease to be \$....., being $4\frac{1}{2}$ percent of the value of the land. The rent is payable half-yearly in advance on 1 January and 1 July and is subject to a rebate of $\frac{1}{2}$ percent for prompt payment, i.e., within one month of due date. The annual rent of the lease will be subject to review at the end of each 11-yearly period of the lease. The first 11-yearly period commences

The Crown improvements are to be purchased at the value indicated in (b) above either for cash or by instalments. If you intend to purchase the improvements by instalments, a deposit of \$..... is to be paid, and the balance will be payable over a term of years by equal half-yearly instalments of interest and principal combined of \$..... Interest is calculated at the rate of 6 percent subject to a rebate of $\frac{1}{2}$ percent for prompt payment. This interest rate is subject to review in accordance with section 170B of the Land Act 1948.

Section 132 (1) of the Land Act 1948 requires you to notify me in writing, within 3 months after the receipt of this notice, whether—

- (1) You accept the offer of a renewed lease at a rental of \$..... per annum for the first 11 years of the term of the lease and will purchase the Crown improvements for \$..... cash.
- (2) You accept the offer of a renewed lease at a rental of \$..... per annum for the first 11 years of the term of the lease and will purchase the Crown improvements by payment of a deposit of \$..... and half-yearly instalments of \$..... (interest rate reviewable in accordance with section 170B of the Land Act 1948).
- (3) You desire a renewed lease and require the values specified in paragraphs (a), (b), and (c) of this notice to be fixed by the Administrative Division of the Supreme Court.
- (4) You do not desire a renewed lease and agree to the value specified in paragraph (a) of this notice.
- (5) You do not desire a renewed lease but require the value specified in paragraph (a) of this notice to be fixed by the Administrative Division of the Supreme Court.
- (6) You do not desire a renewed lease but require the value specified in paragraph (b) of this notice to be fixed by the Administrative Division of the Supreme Court.

Section 132 (2) of the Land Act 1948 provides that if you omit to notify me of your election within 3 months of receipt of this notice you will be deemed to have accepted the renewed lease at the rental fixed by the Board and to have agreed to the values set out in paragraphs (a), (b), and (c) above, and to have elected to purchase the Crown improvements for cash or by instalments as the Board may determine.

Please notify me of your decision by completing and returning the attached form.

Yours faithfully,

.....
 Commissioner of Crown Lands.

Register, A.R.
 Encl.: Form of election.

"Form No. 7

[Reg. 11 (2)]

NOTICE BY LESSEE(S) OF ELECTION PURSUANT TO SECTION 132
OF THE LAND ACT 1948

[Address and Date]

The Commissioner of Crown Lands,

REFERRING to your notice dated I/We hereby make the following election:

- (1) I/We accept the offer of a renewed lease at a rental of \$..... per annum for the first 11 years of the term of the lease, and will purchase the Crown improvements for \$..... cash.
- (2) I/We accept the offer of a renewed lease at a rental of \$..... per annum for the first 11 years of the term of the lease, and will purchase the Crown improvements by payment of a deposit of \$..... and half-yearly instalments of \$..... (interest rate therein reviewable in accordance with section 170B of the Land Act 1948).
- (3) I/We desire a renewed lease, and require the values specified in paragraphs (a), (b), and (c) of your notice to be fixed by the Administrative Division of the Supreme Court.
- (4) I/We do not desire a renewed lease, and agree to the value specified in paragraph (a) of your notice.
- (5) I/We do not desire a renewed lease, but require the value specified in paragraph (a) of your notice to be fixed by the Administrative Division of the Supreme Court.
- (6) I/We do not desire a renewed lease, but require the value specified in paragraph (b) of your notice to be fixed by the Administrative Division of the Supreme Court.

.....
Lessee(s).

(NOTE—Indicate your election by ticking the appropriate paragraph and deleting the remaining 5 paragraphs.)

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“Form No. 7A

[Reg. 11A (1)

NOTICE BY COMMISSIONER ADVISING LESSEE OF YEARLY RENT FOR NEXT ENSUING PERIOD OF 11 YEARS PURSUANT TO SECTION 132A (2) OF THE LAND ACT 1948

[Address and Date]

Name(s) of Lessee(s)

Address

Lease of:

Area:

THE amount of the yearly rent payable under your lease of the above land has been reviewed in accordance with the provisions of your lease.

For purposes of determining the yearly rent payable during the period of 11 years from, the Land Settlement Board has in accordance with statutory requirements ascertained the values referred to in section 131 (1) of the Land Act 1948 as follows:

- (a) All improvements on the land \$.....
- (b) The Crown’s improvements at the commencement of the lease \$.....
- (c) Land exclusive of improvements \$.....

The yearly rental payable for the next 11 years from will therefore be \$....., being 4½ percent of the value of the land. The rent is payable half-yearly in advance on 1 January and 1 July and is subject to a rebate of ½ percent for prompt payment, i.e., within one month of due date.

Any instalments due for the purchase of Crown improvements will remain payable in accordance with the conditions agreed to when the term of your lease commenced.

Section 132A (2) of the Land Act 1948 requires you to notify me in writing within 3 months after receipt of this notice whether:

- (1) You agree to pay the yearly rent of \$..... for the next ensuing period of 11 years, or whether
- (2) You require the values referred to in paragraphs (a), (b), and (c) above to be fixed by the Administrative Division of the Supreme Court.

When notifying me of your election will you please arrange to have your lease forwarded to me.

Section 132A (3) of the Land Act 1948 provides that if you omit to notify me of your election within 3 months of receipt of this notice, you will be deemed to have agreed to pay the yearly rent stated in this notice.

A form is enclosed for notifying me of your election.

Yours faithfully,

.....
Commissioner of Crown Lands.

Register, A.R.

Encl.: Form of election.

"Form No. 7B

[Reg. 11A (2)]

NOTICE BY LESSEE(S) PURSUANT TO SECTION 132A (2) OF
THE LAND ACT 1948

[Address and Date]

The Commissioner of Crown Lands,

REFERRING to your notice dated, I/We elect as follows:

(1) To pay the yearly rent of \$..... for the next ensuing period
of 11 years.(2) To have the values referred to in your notice fixed by the
Administrative Division of the Supreme Court.My/Our lease is enclosed (or I/We have arranged for to
forward it to you)......
Lessee(s).(NOTE—Please cross out the option which you do not wish to accept.
The lease should be forwarded to the Commissioner by registered
post.)P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

*This note is not part of the regulations, but is intended to indicate their
general effect.*These regulations make miscellaneous amendments to the Land Act Regulations
1949.Regulation 2 inserts in regulation 10 of the principal regulations (relating to
the notice of intention to surrender a lease or licence and obtain a new lease
or licence) a reference to section 126A of the Land Act 1948, which provides
for the grant of renewable leases in exchange for pastoral leases.Regulation 3 inserts a new regulation 11A in the principal regulations pre-
scribing the form of notice by the Commissioner under section 132A of the Act
(relating to reviews of rent under renewable leases and pastoral leases at 11 year
intervals) and the form of the notice of election by lessees or licensees under that
section.Regulation 4 increases the maximum fines for offences against the principal
regulations.Regulation 5 increases the fee payable for inspecting or copying any original
map or plan.Regulation 6 substitutes new forms for forms 2 to 7 in the First Schedule
to the principal regulations, and inserts new forms 7A and 7B for the purposes
of section 132A of the Act mentioned above.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 5 December 1974.

These regulations are administered in the Department of Lands and Survey.