

1977/227

THE LAND VALUATION TRIBUNALS RULES 1977

DENIS BLUNDELL, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 29th day of August 1977

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

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

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R U L E S

1. Title and commencement—(1) These rules may be cited as the Land Valuation Tribunals Rules 1977.

(2) These rules shall come into force on the 1st day of September 1977.

2. Interpretation and application—(1) In these rules, unless the context otherwise requires,—

“The Act” means the Land Valuation Proceedings Act 1948:

“Applicant” means any person whose claim, objection, application, or other matter is filed in the appropriate office of the Magistrate's Court:

“Magistrates' Courts Rules” means the Magistrates' Courts Rules 1948*:

“Order” includes an award by the Tribunal on a claim for compensation under the Public Works Act 1928, and any decision or determination by the Tribunal, in relation to the value of land, made on any claim, objection, application, appeal, or other matter arising in any proceedings:

*S.R. 1948/197 (Reprinted with Amendments Nos. 1 to 12, S.R. 1974/204) Amendment No. 13: S.R. 1975/133

“Party”, in relation to any proceedings before a Tribunal, includes—

(a) The claimant and the respondent in a claim for compensation under the Public Works Act 1928:

(b) Every party to a transaction or proposed transaction in respect of which an objection or claim for compensation under Part I of the Land Settlement Promotion and Land Acquisition Act 1952, or an application for the consent of the Tribunal under Part II or Part IIA of that Act, is before the Tribunal:

(c) The objector, the owner, and the occupier of the land, in an objection under the Valuation of Land Act 1951:

(d) The objector or applicant in an objection or application relating to the value of land under any other enactment under which the Tribunal has jurisdiction to hear and determine any such objection or application:

(e) The Crown representative appointed under section 36 (1) of the Act:

(f) Any other person who satisfies the Tribunal under section 23 (2) of the Act that he is interested in the hearing:

“Proceedings” includes any claim, objection, application, or other matter referred to a Tribunal:

“Registrar” means the Registrar of the appropriate office of the Magistrate’s Court; and includes a Deputy Registrar of that Court:

“Tribunal” means a Land Valuation Tribunal; and “the Land Valuation Tribunal” or “the Tribunal”, when used in relation to any proceedings, means the particular Land Valuation Tribunal to which the proceedings have been referred:

Expressions defined in the Act have the meanings so defined.

A reference to a numbered form is a reference to a form so numbered in the Schedule to these rules.

(2) These rules shall apply to all proceedings before a Land Valuation Tribunal for which no other procedure is prescribed by any Act or by any other rules or regulations for the time being in force.

(3) If in any proceedings any question arises as to the application of any provision of these rules, the Tribunal may, either on the application of any party or of its own motion, determine the question and give such directions as it thinks fit.

3. Construction of rules—These rules shall be so construed as to secure the just, speedy, and inexpensive determination of any proceeding.

4. Procedure and practice of Tribunals—(1) Subject to the provisions of these rules, no practice that is inconsistent with these rules shall prevail in any Tribunal.

(2) If any case arises for which no form of procedure is prescribed by any Act, or rule, or regulation, the Tribunal shall dispose of the case as nearly as may be practicable in accordance with the provisions of these rules, but in any case in such manner as the Tribunal thinks best calculated to promote the ends of justice.

(3) The Tribunal may from time to time give such directions, not inconsistent with any relevant enactment or these rules, as it thinks proper for regulating the conduct of business in the Tribunal.

5. Non-compliance with rules—Non-compliance with any of these rules shall not render void the proceedings in which the non-compliance has occurred, but they may be set aside either wholly or in part or amended or otherwise dealt with in such manner and on such terms as the Tribunal, on any motion made with reference to the non-compliance, thinks just.

6. Searches—(1) The Tribunal or the Chairman thereof may of its or his own motion, or on the application of any party, make an order prohibiting the search of any records or documents.

(2) Subject to subclause (1) of this rule, any person (whether a party or not) shall be entitled to search the records of and the documents filed in the appropriate office of the Magistrate's Court in relation to any proceeding that is pending before a Tribunal at the time of the search, and any former proceedings connected therewith.

(3) Subject to the foregoing provisions of this rule, any party to any proceeding (not being a proceeding that is pending before a Tribunal at the time of the search), and any other person who establishes to the satisfaction of the Registrar that he has an interest in or is affected by any such proceeding, or the solicitor or agent of any such party or other person, shall, on giving the Registrar not less than 24 hours' notice in writing, be entitled to search the records of and the documents filed in the Magistrate's Court in relation to the proceeding.

(4) All searches shall be made during the time when the office of the Court is open pursuant to the Magistrate's Courts Rules.

7. Mode of application—Where no form of application to a Tribunal is prescribed by these rules or by any Act, rule, or regulation, the application may be made by way of originating application in accordance with the Magistrate's Courts Rules.

8. Title of proceedings—(1) Every document filed or issued in any proceedings shall be properly intituled, and shall specify the enactment conferring jurisdiction to entertain the proceedings and the names of the parties. Form 1 may be used.

(2) For the purposes of this rule, rule 9A of the Magistrates' Courts Rules shall apply, so far as it is applicable and with the necessary modifications.

9. Address for service—(1) The first document filed by any party to any proceedings shall state at its foot the address for service of the party by whom it is filed.

(2) Any such address for service may from time to time be altered by reasonable notice in writing to the Registrar and to the other parties to the proceedings.

10. Place of filing—(1) Subject to subclause (2) of this rule, every document required or authorised to be filed shall be filed with the Registrar of the appropriate office of the Magistrate's Court.

(2) Subclause (1) of this rule shall not apply in any case where by any enactment it is provided that any document is to be filed in a particular office of the Magistrate's Court, whether that office is specified or is identified by reference to any particular locality or circumstances.

Service

11. Parties to be served—Subject to any general or special directions by the Tribunal, a copy of every document filed or lodged with the Registrar in any proceedings shall be served by the party who filed or lodged it on every other party to the proceedings.

12. Method of service—(1) Subject to the provisions of any Act, rule, or regulation, service of any document required to be served may be effected—

- (a) If the person to be served is acting by a solicitor, by delivering it to or leaving it for the solicitor, or sending it by registered post addressed to the solicitor, at the address for service (if given) or at his place of business:
- (b) If the person is not acting by a solicitor, by delivering it to him personally; or by leaving it for him, or sending it by registered post addressed to him, at the address for service (if given) or at his last known or usual place of abode or business in New Zealand:
- (c) In such other manner as the Tribunal may direct.

(2) Where service is effected by registered post, then, unless the contrary is shown, service shall be deemed to have been effected on the person to whom the document is addressed at the time when it would have been delivered in the ordinary course of post; and in proving service it shall be sufficient to prove that the document was properly addressed and posted.

13. Notices to be given by Registrar—Subject to the provisions of any Act, rule, or regulation, where any notice is required to be given by the Registrar to any person, whether a party or not, it may be given—

- (a) If the person is acting by a solicitor, by sending it by ordinary post addressed to the solicitor at the address for service (if given) or at his place of business:
- (b) If the person is not acting by a solicitor, by sending it by ordinary post addressed to him at the address for service (if given) or at his last known or usual place of abode or business in New Zealand:
- (c) In such other manner as the Tribunal may direct.

Change of Parties

14. Adding, striking out, and substituting parties—At any stage of the proceedings, and either on or without the application of a party, the Tribunal may add, strike out, or substitute the name of any person as a party to the proceedings.

Withdrawal, Abatement, Reinstatement

15. Withdrawal of proceedings—(1) Subject to the provisions of any Act, rule, or regulation, no proceedings shall be withdrawn except by leave of the Tribunal.

(2) An order granting leave to withdraw any proceedings may be made by the Tribunal—

(a) Without any formal application or notice to any party—

(i) Where all parties to the proceedings are present or represented before the Tribunal; or

(ii) By consent of all parties to the proceedings; or

(b) On an application made by way of notice of motion filed, and served by the applicant on the other parties to the proceedings, 14 clear days before the time fixed for the hearing of the notice of motion.

(3) Where any party desires to be heard in opposition to an application made pursuant to subclause (2) (b) of this rule, he shall, at least 3 clear days before the time fixed for the hearing of the notice of motion, file and serve on the other parties to the proceedings a notice of objection to the withdrawal of the proceedings, stating shortly the grounds of his objection and the matters on which he desires to be heard.

16. When proceedings not to abate—(1) Proceedings shall not abate by reason of the death or bankruptcy of any party if the transaction in respect of which the proceedings are taken survives or continues, and shall not become defective by the assignment, creation, charge, transmission, or devolution of any interest, estate, or title during the proceedings.

(2) Whether the transaction survives or not, proceedings shall not abate by reason of the death of any party between the hearing and the making of an order, and an order may be made in the prescribed manner notwithstanding the death.

(3) The Tribunal may from time to time make such orders as may be necessary to give effect to this rule.

17. Reinstatement of proceedings—(1) Where any proceedings have been struck out for want of appearance, an application for their reinstatement may be made within 14 days after the date of the order striking out the proceedings.

(2) The application shall be made by notice of motion, served on all other parties to the proceedings.

(3) On any such application, the Tribunal may if it thinks fit make an order reinstating the proceedings on such terms and conditions as it thinks fit.

(4) The Registrar shall give notice of any such reinstatement to the parties to the proceedings.

Hearing of Proceedings

18. Notification of readiness for hearing—When the parties certify in writing to the Registrar in whose office the documents are filed that the proceedings are ready for hearing, that Registrar shall arrange for the hearing.

19. Notice of hearing—When a time and place has been appointed for the hearing by the Tribunal of proceedings, the Registrar shall give notice thereof, in form 2, to all parties to the proceedings.

20. Mode of taking evidence—(1) The evidence of witnesses at the hearing of any proceedings may be taken orally on oath or affirmation, or by affidavit, declaration, or otherwise as the Tribunal thinks fit.

(2) Where it is intended in any proceedings to produce any documentary material, copies of that material shall be delivered to the other parties or shall be exchanged between parties within a reasonable time before the time fixed for the hearing of the proceedings.

(3) Where it is made to appear to the Tribunal that a party to the proceedings has been unduly prejudiced in the conduct of his case by the failure of any other party to comply with subclause (2) of this rule, the Tribunal may grant an adjournment of the proceedings on such terms and conditions as it thinks fit.

21. Examination of witnesses out of Tribunal—(1) Where in any proceedings any party desires to have the evidence of himself or of any witness taken otherwise than at the time and place appointed or to be appointed for the hearing of the proceedings, the Tribunal may, on application by the party, order that the evidence of the party or of the witness be taken before any Registrar or Deputy Registrar of a Magistrate's Court or any member of the Tribunal (in this rule referred to as the examiner).

(2) Where any such order is made, the proceedings shall be adjourned pending the receipt of the depositions from the examiner, or of his certificate that at the time and place appointed for the taking of the evidence the applicant or the witness, as the case may be, did not appear, or that the applicant did not desire to proceed with the taking of the evidence.

(3) On receipt of a copy of the order for examination, the examiner shall appoint a time and place for the examination and shall give notice thereof to all parties.

(4) The examiner may administer an oath to each witness examined, and each witness may be examined, cross-examined, and re-examined as at the hearing of proceedings.

(5) The examiner shall cause to be put down in writing the evidence tendered at the examination, together with notes as to any objections to the evidence.

(6) The depositions so taken shall be signed on each page by the witness and by the examiner.

(7) The depositions when taken shall be securely fastened together and, if taken otherwise than in the appropriate office of the Magistrate's Court, shall be sent without delay to that office.

(8) If at the time and place appointed for the examination there is no appearance by or on behalf of the applicant or witness, or if at that time and place the applicant intimates that it is not intended to proceed with the taking of the evidence, the examiner shall sign a certificate to that effect and, if the place so appointed is not the appropriate office of the Magistrate's Court, shall send the certificate to that office.

(9) On application to the Registrar, any party may inspect any depositions taken under this rule and make copies of them or extracts from them.

22. Affidavits—Rule 199 of the Magistrate's Courts Rules shall apply, so far as they are applicable and with the necessary modifications, to affidavits to be read and used in proceedings before the Tribunal.

23. Witness summons—At the request of any party or by direction of the Tribunal, the Registrar shall issue a witness summons in form 3 to any person requiring him to attend, at a time and place to be specified in the summons, to give evidence before the Tribunal, or to produce to the Tribunal any documents (particulars of which shall be stated in the summons) in his possession or control, or both.

24. Hearing—(1) Where one party to any proceedings appears, but no other party appears, the Tribunal shall, subject to the right of the party appearing to apply to have the proceedings struck out for want of appearance, hear his evidence and any submissions made on his behalf.

(2) Where 2 or more parties appear, the Tribunal shall decide—

(a) Which party shall have the right to begin or to reply; and

(b) The order and number of addresses by counsel.

(3) The Tribunal in its discretion, either of its own motion or at the request of any party, may direct that written submissions be made either instead of or in addition to addresses by or on behalf of the parties.

25. Adjournment—(1) The hearing of any proceedings may from time to time be adjourned to such time and place and on such terms (if any) as the Tribunal thinks fit.

(2) Where all the parties desire an adjournment, the filing with or sending to the Registrar of a request in writing signed by the parties, or signed by one party stating in the request that the other parties consent, shall be a sufficient application to the Tribunal for an adjournment.

26. Right of audience—(1) Any party to any proceedings may appear and act personally or by a barrister or solicitor.

(2) Where a party is absent from New Zealand, any person holding a power of attorney from that party authorising him to act generally for the party or to appear before any Tribunal for and in the name of the party may appear for and represent him in any proceedings before the Tribunal.

(3) A corporation may appear by any officer, attorney, or duly authorised agent of the corporation.

General Provisions

27. Clerical mistakes and slips—Clerical mistakes in orders or errors arising therein from any accidental slip or omission may at any time be corrected by the Tribunal.

28. Costs—Where costs are awarded to any party by the Tribunal, the amount of those costs and the party or parties by whom they are payable shall be stated in the order.

29. Enlargement or abridgment of time—(1) Subject to the provisions of these rules, any of the times fixed by or by virtue of these rules for—

- (a) Taking any step in any proceedings; or
- (b) Filing any document; or
- (c) Giving any notice—

may be enlarged or abridged by consent of all parties, or by the Tribunals on the application of any party.

(2) An order enlarging time may be made although the application for it is not made until after the expiration of the time allowed or appointed.

30. Land valuation proceedings register and index—The Registrar shall keep a land valuation proceedings register in form 4.

(2) There shall be entered in the register the particulars, prescribed in form 4, of all proceedings filed in the appropriate office of the Magistrate's Court.

(3) The Registrar shall also keep an alphabetical index to the names of parties to proceedings, and all necessary entries shall be made in the index daily.

Special Provisions as to Certain Proceedings

31. Claims for compensation under the Public Works Act 1928—A claim for compensation under the Public Works Act 1928 shall be made in the form and manner prescribed by Part III of that Act.

32. Claims for compensation under section 10 of the Land Settlement Promotion and Land Acquisition Act 1952—A claim for compensation under section 10 of the Land Settlement Promotion and Land Acquisition Act 1952 shall be in form 5.

33. Applications for consent under Part II of the Land Settlement Promotion and Land Acquisition Act 1952—(1) An application for the consent of the Tribunal to any transaction to which Part II of the Land Settlement Promotion and Land Acquisition Act 1952 applies shall be in form 6.

(2) There shall be attached to the application a copy of every agreement entered into between the parties, or any of them, in respect of the transaction which is the subject of the application for the Tribunal's consent, or in respect of any other transaction in any way related thereto, including any ancillary or collateral agreements and full particulars of any agreements that are not in writing.

(3) The application shall be supported by—

- (a) A declaration by the vendor or lessor in the form specified in form 6; and
- (b) A declaration by the purchaser or lessee in such one of the forms 7, 8, and 9 as is applicable to the case.

(4) Notwithstanding anything in subclause (3) of this rule, an application tendered by one party to a transaction and supported by the declaration of that party only may be accepted by the Registrar in any case where he is satisfied that the applicant has been unable, after

making reasonable efforts to obtain it, to secure the prescribed declaration from the other party or parties to the transaction.

(5) Where any fresh or ancillary or collateral agreement is entered into by the parties to the transaction after the filing of the application and before a formal order thereon is made, the applicant shall file with the Registrar and serve on the Crown representative a copy of the agreement, or full particulars of it if it is not in writing.

(6) The Tribunal may at any time before the making of an order consenting to the transaction direct the vendor, lessor, purchaser, or lessee to file an affidavit, declaration, or statement disclosing any further particulars that the Tribunal requires to be disclosed.

34. Applications for consent under Part IIA of the Land Settlement Promotion and Land Acquisition Act 1952—(1) An application for the consent of the Tribunal to any transaction to which Part IIA of the Land Settlement Promotion and Land Acquisition Act 1952 applies shall be in form 6.

(2) The application shall be supported by—

(a) A declaration by the vendor or lessor in the form specified in form 6; and

(b) A declaration by the purchaser in such one of the forms 10, 11, and 12 as is applicable to the case.

(3) The provisions of subclauses (2), (4), (5), and (6) of rule 33 hereof shall apply in respect of the application.

(4) Notwithstanding anything in subclause (2) (b) of this rule, where the Tribunal's consent is applied for under both Part II and Part IIA of the said Land Settlement Promotion and Land Acquisition Act 1952, the declarations required by rule 33 (3) (b) and subclause (2) (b) of this rule may be combined in such one of the forms 7, 8, and 9 as is applicable to the case, and that form may be modified for the purpose of including therein such of the matters in the appropriate form referred to in subclause (2) (b) of this rule as are not already included in the appropriate form referred to in rule 33 (3) (b) hereof.

35. Applications for consent to sale or lease of land to a company—

(1) When an application for the consent of the Tribunal under Part II or Part IIA of the Land Settlement Promotion and Land Acquisition Act 1952 relates to a transaction for the sale or lease of farm land or any interest therein to a trustee for a private company to be incorporated, the proposed members of which are to be less than 10 in number on incorporation, the applicant shall file with the application, or at any time before it is dealt with by the Tribunal, a declaration giving full particulars of the following matters:

(a) The names of the persons intending to become shareholders of the proposed company, and the number and value of the shares to be allotted to each of them;

(b) The number of shares (if any) which are to be allotted to any such intended shareholder to be held in trust for any other person, and the names of the persons who will be beneficially interested in those shares;

- (c) The farm land or interest in farm land held or in course of being acquired by any intended shareholder or other person beneficially interested in the proposed company to a substantial degree;
 - (d) The reasons for the incorporation of the proposed company and for its acquisition of the land or interest therein;
 - (e) What negotiations (if any) have been entered into or are contemplated, or what agreements, oral or otherwise, exist between the vendor or any intended shareholder or person interested in the formation of the proposed company and any other person whereby the possession or control of the land or interest in land proposed to be acquired by the company may in effect be secured by any other person or corporation by means of a transfer of shares in the company; and
 - (f) Whether the proposed transaction is intended in whole or in part to enable the possession or control of the land or the interest therein affected by the transaction to be subsequently acquired by some other person or corporation otherwise than with the consent of the Tribunal.
- (2) When the Tribunal is satisfied that the applicant is unable to declare as to any of the matters specified in subclause (1) of this rule, it may give such directions as it thinks fit—
- (a) Requiring the declaration to be made by any other party to the proceedings; or
 - (b) Requiring the information to be disclosed in any other manner; or
 - (c) Excusing the applicant from compliance with this rule.
- (3) Unless excused by the Tribunal from attending, the parties to any application for consent to a transaction to which subclause (1) of this rule applies shall attend before the Tribunal at the hearing of the application for examination by the Tribunal, and for cross-examination by the Crown representative.
- (4) When an application for the consent of the Tribunal under Part II or Part IIA of the Land Settlement Promotion and Land Acquisition Act 1952 relates to a transaction for the sale or lease of any farm land or any interest therein to an incorporated private company whose members are less than 10 in number, the solicitor or other person acting on behalf of the company shall disclose to the Tribunal, in such manner as the Tribunal requires, the names of the shareholders and other persons beneficially interested in the company's shares, and particulars of the farm land held by any shareholder or other person having the control or a substantial share of the control of the company.
- (5) In a case to which subclause (4) of this rule applies, the Tribunal may require further or other information to be disclosed as to the matters referred to in subclause (1) of this rule, and may direct the attendance of any person for examination and cross-examination.
- (6) Where the application for the consent of the Tribunal under Part II or Part IIA of the Land Settlement Promotion and Land Acquisition Act 1952 relates to a transaction for the sale or lease of farm land or any interest therein to a public company whose members are less than 10 in number, or to a trustee for a public company to be incorporated, whose proposed members are to be less than 10 in number on incorporation, the Tribunal may give such directions as it thinks fit

as to the matters required to be disclosed and as to the manner in which that disclosure shall be made.

(7) Where in any application before the Tribunal any question arises under paragraph (c) of subclause (1) of this rule as to whether any intended shareholder or other person is beneficially interested in a proposed company to a substantial degree, or where in any such application any question arises under subclause (4) of this rule as to whether any shareholder or other person has the control or a substantial share of the control of any company, that question shall be decided by the Tribunal.

(8) When any party refuses or fails to comply with any of the foregoing provisions of this rule or with any directions given by the Tribunal in pursuance of this rule, or where any party having attended pursuant to subclause (3) of this rule at a hearing by the Tribunal refuses to be sworn or to answer any lawful question, the Tribunal may refuse to grant its consent to the transaction without proceeding further with the application, or may refuse to grant its consent to the transaction until its requirements in that behalf are complied with.

36. Objections to valuations—(1) Objections to valuations under the Valuation of Land Act 1951, and objections to valuations under any other enactment by which the provisions of that Act relating to the procedure on objections is applied, shall be laid before the Tribunal in the form and manner prescribed by that Act and any regulations made thereunder.

(2) The list of objections required to be filed pursuant to section 21 of the said Act shall be filed in duplicate. One copy may be a carbon copy, and it shall not be necessary to attach to the duplicate copy a copy of the objections referred to in the list.

Filing and Service

37. Copies of documents for Crown representative—(1) All documents filed in the appropriate office of the Magistrate's Court in relation to proceedings under the Land Settlement Promotion and Land Acquisition Act 1952 shall be filed in duplicate. One copy may be a carbon copy.

(2) The duplicate copy of every document filed in relation to proceedings under the Land Settlement Promotion and Land Acquisition Act 1952 shall, as soon as practicable after the filing of the document, be sent by the Registrar to the Crown representative acting in the proceedings.

(3) The Crown representative appointed to represent the Crown in any other proceedings shall be entitled to require from any party a copy of any document filed in the proceedings.

38. Exceptions as to service—(1) Nothing in these rules shall require an applicant to serve on the Crown representative a copy of any document filed in relation to proceedings under the Land Settlement Promotion and Land Acquisition Act 1952.

(2) Nothing in these rules shall require the Valuer-General to serve on any other party a copy of the list of objections filed under section 21 of the Valuation of Land Act 1951 in respect of objections made under that Act or under any enactment by which that section is applied.

Proceedings in Wrong Office of Magistrate's Court

39. Proceedings in wrong office of Magistrate's Court—(1) The Registrar may refuse to file any document which in his opinion is tendered for filing in the wrong office of the Magistrate's Court.

(2) In any such case the person tendering the document may apply for a direction of the Tribunal that he is entitled to file it in the office in which it is tendered for filing.

(3) Subject to rule 40 hereof, no objection shall be taken at a hearing or at any subsequent proceeding on the ground that proceedings were filed in the wrong office of the Magistrate's Court.

40. Transfer of proceedings—Where proceedings are filed in the wrong office of the Magistrate's Court, the Tribunal, of its own motion or on the application of any party, may transfer them to the office of the Magistrate's Court in which they ought to have been filed.

Hearing

41. Consent to sale or lease of land without hearing—(1) In determining whether under section 28 of the Land Settlement Promotion and Land Acquisition Act 1952 it should consent to any transaction to which Part II or Part IIA of that Act applies without calling on the applicant or hearing evidence, the Tribunal may have regard to any report of the Crown representative.

(2) Where the Committee makes an order under the said section 28 the Registrar shall give to the parties notice, in form 13, of the making of the order.

42. Hearing—In any proceedings under the Land Settlement Promotion and Land Acquisition Act 1952, the Tribunal may in its discretion require any party or any other person to give oral evidence and to be cross-examined as to any matter arising in the proceedings or to produce any documents in his possession or control, and for that purpose may direct the issue of a witness summons under rule 23 hereof, and may adjourn the hearing for the purpose of taking that evidence.

43. Tribunal's notes—(1) At the hearing of any proceedings before the Tribunal the Chairman or some other member of the Tribunal shall make or cause to be made a note of—

- (a) The facts given in evidence; and
- (b) Any question of law raised at the hearing; and
- (c) The Tribunal's decision on that question of law.

(2) The Chairman of the Tribunal shall, on the application on reasonable grounds of any party to the proceedings, cause the Registrar to supply to that party a copy of the said note.

Orders

44. Notice of Tribunal's order—(1) On the making of a final order by the Tribunal (other than an order under section 28 of the Land Settlement Promotion and Land Acquisition Act 1952), the Registrar shall give notice of it to the parties to the proceedings.

(2) When the notice relates to the decision of the Tribunal on an objection to a valuation under the Valuation of Land Act 1951, or under any other enactment by which the provisions of that Act relating to the procedure on objections are applied, it shall be in form 14. In any other case it shall be in form 15.

45. Orders of Tribunals generally—(1) In proceedings other than those in relation to objections to valuations as aforesaid, the Tribunal's formal order shall be in form 16.

(2) The order shall be prepared and signed by the Registrar and sealed with the seal of the Magistrate's Court.

46. Order of Tribunal on objections to valuations—(1) At the expiration of the time allowed for appeals against decisions of the Tribunal upon objections to valuations under the Valuation of Land Act 1951 or under any enactment by which the provisions of that Act relating to the procedure on objections are applied, the Registrar shall strike off the list of objections every entry in respect of which an appeal has been lodged or in respect of which an application for reinstatement is pending under rule 17 hereof or which has been reinstated under that rule, and shall make a note against that entry to the effect that the decision is the subject of an appeal or of an application or order for reinstatement, as the case may be.

(2) The list of objections shall be annexed to an order in form 17, which shall be signed and sealed in the manner prescribed by rule 45 hereof.

(3) Where at the time of the signing and sealing of the order of the Tribunal upon such objections an application for reinstatement of any one or more of those objections is pending under rule 17 hereof or any one or more of these objections has been reinstated under that rule, the Valuer-General shall forthwith lodge in the appropriate office of the Magistrate's Court a fresh list in duplicate of objections containing copies of the entries in the original list of objections in respect of which an application for reinstatement is pending or has been granted, as the case may be. One copy may be a carbon copy, and it shall not be necessary to attach to the duplicate copy a copy of the objections referred to in the list.

47. Disposal of orders—(1) Every order of the Tribunal shall, when signed and sealed in accordance with rule 45 hereof, be filed by the Registrar with the proceedings.

(2) A copy signed and sealed in accordance with rule 45 hereof, of every order of the Tribunal made in any proceedings under Part II or Part IIA of the Land Settlement Promotion and Land Acquisition Act 1952 shall, on payment of the prescribed fee (if any), be sent by the Registrar to the applicant.

(3) A copy signed and sealed in accordance with rule 45 hereof, of every order of the Tribunal made on objections under the Valuation of Land Act 1951, or under any enactment by which the provisions of that Act relating to the procedure on objections are applied, shall be sent by the Registrar to the Valuer-General.

48. Additional copies of orders—On application by any party to any proceedings before the Tribunal, the Registrar shall issue to that party

a duplicate of any order of the Tribunal, or a certified copy thereof.

49. Notice to party to show cause why consent should not be revoked—(1) When the Tribunal calls on any person to whom consent has been granted under Part II or Part IIA of the Land Settlement Promotion and Land Acquisition Act 1952 to show cause why that consent should not be revoked, a notice in form 18 shall be sent to that person by the Registrar.

(2) A copy of the notice shall be sent to every other party to the proceedings.

Appeals

50. Procedure on appeal—The procedure on any appeal to the Administrative Division of the Supreme Court against any decision of a Tribunal shall be as prescribed in Part III of the Supreme Court (Administrative Division) Rules 1969.

51. Appeal from decision under section 21 of the Valuation of Land Act 1951—Where any decision of the Tribunal entered in a list of objections to which section 21 of the Valuation of Land Act 1951 applies is appealed against, or more such decisions than one are appealed against, the Valuer-General shall forthwith lodge with the Registrar, in duplicate, a fresh list of objections containing copies of the entries in the original list against the decisions on which the appeals have been lodged. One copy may be a carbon copy, and it shall not be necessary to attach to the duplicate copy a copy of the objections referred to in the Act.

52. Report of Tribunal—(1) On the filing of a notice of appeal under Part III of the Supreme Court (Administrative Division) Rules 1969, the Chairman of the Tribunal whose decision is appealed against shall forthwith prepare for the Supreme Court and forward to the Registrar of the Court in which the notice of appeal is filed, a report setting out the reasons for the Tribunal's decision.

(2) The appellant and every other party affected by the decision shall be entitled, on application to that Registrar, to receive a copy of that report.

Decisions of Tribunal

53. Decision of Tribunal on objections under Valuation of Land Act 1951—Where an order of the Tribunal relates to a list of objections to which section 21 of the Valuation of Land Act 1951 applies—

- (a) The order shall be in form 17, with such modifications as are necessary; and
- (b) The Registrar shall send a signed or certified copy of the order to the Valuer-General.

SCHEDULE

Form 1

R. 8 (1)

GENERAL HEADING

No.

In the [Name] Land Valuation Tribunal
In the matter of [Specify enactment]
and
In the matter of a [Claim, etc.]

Between
and

[Not printed]

Form 2

R. 19

NOTICE OF HEARING

(General heading—Form 1)

The above proceedings have been set down for hearing before the
..... Land Valuation Tribunal at on day the
..... day of 19..... at a.m. (p.m.).

If you do not appear at the place and at the time so fixed, the
Tribunal may hear and determine the proceedings in your absence.

Dated at this day of 19.....
..... Registrar.

To

Form 3

R. 23

SUMMONS TO WITNESS TO APPEAR (AND TO PRODUCE DOCUMENTS)
(General heading—Form 1)

To [Name, address, and occupation].
You are hereby summoned to attend at a sitting of the Land
Valuation Tribunal to be held at on day the
day of 19..... at a.m. (p.m.) and to give evidence in the
above proceedings (and also to bring with you and produce [State
particulars of documents required]).

This summons was issued on behalf of the above-named

Dated at this day of 19.....
..... Registrar.

[Not printed]

SCHEDULE—*continued*

R. 30

Form 4

LAND VALUATION PROCEEDINGS REGISTER

At

REGISTER

No.	Date	Claimant, Vendor, Lessor, Objector, &c.	Respondent, Purchaser, Lessee, &c.	Nature of Application	Solicitor Acting	Documents Filed and Date of Filing	Referred to Land Valuation Tribunal (Date)	Date of Hearing	Order Made	Date of Order	Order Signed and Sealed	Appeal Lodged	Remarks

R. 32

Form 5

CLAIM FOR COMPENSATION UNDER SECTION 10 OF THE LAND SETTLEMENT PROMOTION AND LAND ACQUISITION ACT 1952

(General heading—Form 1)

Take notice that I,, of, [*Occupation*], being the registered proprietor (*or as the case may be*) of the farm land described in the Schedule hereto, hereby claim the sum of \$..... as compensation for loss to me arising out of the taking of the aforesaid farm land, by notice published in the *Gazette* of [*Date*] at page

The aforesaid sum is made up as follows:

Value of my interest in the land	\$
Special loss [<i>If special loss is claimed give details</i>]	\$
Total claim	\$

Attached hereto is a statement showing—

- (a) The class of farming carried on for the past 3 seasons.
- (b) Stock carried during past 3 seasons.
- (c) Actual production during past 3 seasons.

Dated at this day of 19.....

(Solicitor *or* Agent for) Claimant.

SCHEDULE

[*Description of land*]

The claimant's address for service is at

[*Not printed*]

SCHEDULE—*continued*

Form 6

RR. 33 (1), (3) (a), 34

APPLICATION FOR CONSENT UNDER PART II OR PART IIA OF LAND
SETTLEMENT PROMOTION AND LAND ACQUISITION ACT 1952

(General heading—Form 1)

Particulars of Transaction

Parties:

Vendor (Lessor) [*Give full name, address, and occupation*]Purchaser (Lessee) [*Give full name, address, and occupation*]Other parties [*Give full name, address, and occupation*]

(a) Nature of transaction:

(b) Description of land: [*Give legal description, title reference and locality. Attach sketch plan on separate sheet if land not shown on survey plan.*]

Local authority district in which land is situated:

(c) If property is leasehold:

Name of Lessor:

Term of Lease: Years from:

Rent payable: \$.....

Terms (if any) as to renewal or purchase:

(d) Consideration

Total amount to be paid exclusive of stock, chattels or goodwill:

\$.....

[If transaction is a lease state term and rental.]

(e) Latest Government valuation:

Unimproved value: \$..... Improvements: \$.....

Capital value: \$..... Date of valuation:

(f) Application number or other particulars of the last application to the Administrative Division of the Supreme Court or the Land Valuation Court or Land Valuation Tribunal affecting the foregoing farm land (whether with or without other land):

(g) Particulars of buildings:

(h) Class of farming carried on:

(i) Stock carried each year for past 3 seasons:

(j) Production for each year for past 3 seasons:

(k) Any special features from the viewpoint of aggregation:

(l) [*Where the application is under Part IIA of the Act*]

The name of any operative regional planning scheme or proposed or operative district planning scheme under the Town and Country Planning Act 1953, and any designation or zoning of the land for any public utility, amenity, reserve, or public work, or any proposed such purpose under such operative regional planning scheme or proposed or operative district scheme:

(m) [*Where the application is under Part IIA of the Act*]

Where the land is not designated or zoned for any of the purposes set out in paragraph (l), relevant matters to enable the Tribunal

SCHEDULE--continued

to satisfy itself that it is unlikely that the land will be required for any such purpose:

Declaration

I,, of as [Insert vendor, or lessor, or purchaser, or lessee] in the foregoing transaction, hereby make application for the consent of the Land Valuation Tribunal to the described therein. And I hereby solemnly and sincerely declare:

- (1) That the foregoing particulars set out in this my application are in all respects true and correct.
- (2) That attached hereto and marked "....." are true copies of all the agreements and other documents entered into or proposed to be entered into by the parties and relating to or affecting the said transactions (including full particulars of any agreement or arrangement entered into or proposed to be entered into by the parties otherwise than in writing).
- (3) That, with the exception of the agreements referred to in the last preceding paragraph, no agreement, whether in writing or otherwise, has been made between the parties or any of them which in any way directly or indirectly refers to or affects or is ancillary to or collateral with the transaction for which consent is applied for, and no such agreement is intended to be made.
- (4) That the transaction for which consent is applied for has not been entered into as part of a device, plan, or scheme which is or is intended to be in contravention of Part II (or Part IIA) of the Land Settlement Promotion and Land Acquisition Act 1952.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

Signature:

Declared at this day of, 19....., before me:

.....
 Justice of the Peace.
 or Solicitor.
 or Notary Public.
 [Or other person duly authorised to take and receive statutory declarations.]

The address for service of the vendor (lessor) is at the offices of

The address for service of the purchaser (lessee) is at

SCHEDULE—*continued*

Form 7

RR. 33 (3) (b), 34 (4)

DECLARATION BY PURCHASER (*or LESSEE*)

(To be Used Where Section 29A of Land Settlement Promotion and Land Acquisition Act 1952 Does Not Apply)

(General Heading—Form 1)

Declaration by Purchaser (or Lessee)

I, _____, of _____, hereby solemnly and sincerely declare:

1. That I am the purchaser (*or lessee*) in the transaction referred to in the attached application marked "_____".

2. That the following particulars are in all respects true and correct:

(a) Particulars of all farm land, as defined in the Land Settlement Promotion and Land Acquisition Act 1952, owned, leased, held, or occupied by me in fee simple or under any tenure of more than 1 year's duration, either severally, jointly, or in common with any other person or persons: * _____

(b) Particulars of all farm land, as so defined, in which I have any estate or interest, whether legal or equitable and whether vested or contingent, under any trust, will, or intestacy: * _____

(c) Particulars of all farm land, as so defined, owned, leased, held, or occupied by each company, the members of which are less than 10 in number and of which I am or my wife (husband) is a member, in fee simple or under any tenure of more than 1 year's duration, either severally, jointly, or in common with any other person or persons: * _____

(d) Particulars of all farm land, as so defined, owned, leased, held, or occupied in fee simple or under any tenure of more than 1 year's duration by my wife (husband) either severally, jointly, or in common with any other person or persons: * _____

(e) Particulars of all farm land, as so defined, in which my wife (husband) has any estate or interest, whether legal or equitable and whether vested or contingent, under any trust, will, or intestacy: * _____

(f) I have attained the age of 17 years.

(Or, I am under 17 years of age. Particulars of all farm land, as so defined, owned, leased, held, or occupied by my parents in fee simple or under any tenure of more than 1 year's duration, either severally, jointly, or in common with any other person or persons, or in which my parents have any estate or interest, whether legal or equitable and whether vested or contingent, under any trust, will, or intestacy:

Father: * _____

Mother: * _____)

(g) [*Where the purchaser or lessee is a company the members of which are less than 10 in number, or a trustee for such a company to be incorporated.*]

(1) Particulars of all farm land, as so defined, owned, leased, held, or occupied in fee simple or under any tenure of more

SCHEDULE—*continued*

than 1 year's duration by each member or intended member (as the case may be) of the company or proposed company or his wife (her husband), either severally, jointly, or in common with any other person or persons: *

(2) Particulars of all farm land, as so defined, in which each member or intended member (as the case may be) of the company or proposed company or his wife (her husband) has any estate or interest, whether legal or equitable and whether vested or contingent, under any trust, will, or intestacy: *

(h) [*In case other farm land is owned, held, or occupied as set out in the foregoing paragraphs (a) to (g).*]

(1) The class of farming carried on, stock carried, and the production each year for the past 3 seasons:

(2) Why that farm land is insufficient for purchaser's or lessee's requirements.

(i) Section 29A of the Land Settlement Promotion and Land Acquisition Act 1952 does not apply to the transaction.

(j) Particulars of any estate or interest in farm land, as so defined, which since the passing of the above-mentioned Act (namely, the 16th day of October 1952) I have transferred, granted, leased, or otherwise disposed of to any person as trustee for any person or in respect of which since that date I have created any trust: *

(k) The type of farming proposed to be engaged in:

(l) My reason for desiring to acquire the property subject to the application for consent is:

3. That the documents attached to the said application and marked "....." are true copies of all the agreements and other documents entered into or proposed to be entered into by the parties and relating to or affecting the said transaction (including full particulars of any agreement entered into or proposed to be entered into by the parties otherwise than in writing).

4. That with the exception of the agreements referred to in paragraph 3 hereof, no agreement, whether in writing or otherwise, has been made between the parties or any of them which in any way directly or indirectly refers to or affects or is ancillary to or collateral with the transaction for which consent is applied for, and no such agreement is intended to be made.

5. That the transaction for which consent is applied for has not been entered into as part of a device, plan, or scheme which is or is intended to be in contravention of Part II of the Land Settlement Promotion and Land Acquisition Act 1952.

*Give reference to section, block, district, title reference, area, tenure, Government valuation and date thereof.

SCHEDULE—*continued*

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Oaths and Declarations Act 1957.

Signature:

Declared at this day of 19....., before me:

.....
Justice of the Peace.
or Solicitor.
or Notary Public.
[*Or other person duly authorised to take and receive statutory declarations.*]

The address for service of the purchaser (lessee) is at

NOTE—In any case where the documents attached to the application cannot be produced to the deponent at the time of his making the foregoing declaration, copies of the documents referred to in paragraph 3 of the declaration should be attached as exhibits and the declaration amended accordingly.

Form 8 RR. 33 (3) (b), 34 (4)

DECLARATION BY PURCHASER (*or* LESSEE)

(To be Used Where Section 29A of Land Settlement Promotion and Land Acquisition Act 1952 Applies and Purchaser or Lessee is a Trustee)

(General heading—Form 1)

Declaration on Behalf of Purchaser (or Lessee)

I,, of, hereby solemnly and sincerely declare:

1. That I am the purchaser (*or* lessee) in the transaction referred to in the attached application marked “.....”.

2. That I am the purchaser (*or* lessee) in that transaction as a trustee under an instrument of trust, a true copy of which marked “.....” is attached to the said application.

3. That the full names and ages of the beneficiaries under the trust are as follows:

4. That the following particulars are in all respects true and correct:
(a) Particulars of all farm land, as defined in the Land Settlement Promotion and Land Acquisition Act 1952 (being an asset of the trust), owned, leased, held, or occupied by me as such

SCHEDULE—*continued*

- trustee in fee simple or under any tenure of more than 1 year's duration, either severally, jointly, or in common with any other person or persons: *
- (b) Particulars of all farm land, as so defined, owned, leased, held, or occupied by each company, the members of which are less than 10 in number and of which I am as such trustee a member, in fee simple or under any tenure of more than 1 year's duration, either severally, jointly, or in common with any other person or persons: *
- (c) Particulars of all farm land, as so defined, owned, leased, held, or occupied in fee simple, or under any tenure of more than 1 year's duration, by any beneficiary under the trust: *
- (d) Particulars of all farm land, as so defined, in which any beneficiary under the trust has any estate or interest, whether legal or equitable and whether vested or contingent, under any other trust or under any will or intestacy: *
- (e) Particulars of all farm land, as so defined, owned, leased, held, or occupied in fee simple, or under any tenure of more than 1 year's duration, by the wife or husband of any beneficiary under the trust, either severally, jointly, or in common with any other person or persons: *
- (f) Particulars of all farm land, as so defined, in which the wife or husband of any beneficiary under the trust has any estate or interest, whether legal or equitable and whether vested or contingent, under any trust, will, or intestacy: *
- (g) Particulars of all farm land, as so defined, owned, leased, held, or occupied in fee simple or under any tenure of more than 1 year's duration, either severally, jointly, or in common with any other person or persons, by a parent of any beneficiary under the trust under 17 years of age or in which a parent of any such beneficiary has any estate or interest, whether legal or equitable and whether vested or contingent, under any trust, will, or intestacy: *
- (h) [*In case other farm land is owned, held, or occupied as set out in the foregoing paragraphs (a) to (g).*]
 (1) The class of farming carried on, stock carried, and the production each year for the past 3 seasons:
- (2) Why that farm land is insufficient for purchaser's or lessee's requirements:
- (i) The type of farming proposed to be engaged in:
- (j) My reason for desiring to acquire the property subject to the application for consent is:
5. [*As in paragraph 3 of form 7.*]
 6. [*As in paragraph 4 of form 7.*]
 7. [*As in paragraph 5 of form 7.*]

SCHEDULE—*continued*

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Oaths and Declarations Act 1957.

Signature:

Declared at this day of 19....., before me:

.....
Justice of the Peace.
or Solicitor.
or Notary Public.
[*Or other person duly authorised to take and receive statutory declarations.*]

The address for service of the purchaser (lessee) is at

NOTE—In any case where the documents attached to the application cannot be produced to the deponent at the time of his making the foregoing declaration, copies of the documents referred to in paragraphs 2 and 5 of the declaration should be attached as exhibits and the declaration amended accordingly.

*Give reference to section, block, district, title reference, area, tenure, Government valuation and date thereof.

[*Not printed*]

Form 9 RR. 33 (3) (b), 34 (4)

DECLARATION BY PURCHASER (*or* LESSEE)

(To be Used Where Section 29A of Land Settlement Promotion and Land Acquisition Act 1952 Applies and Purchaser or Lessee is a Company.)

(General heading—Form 1)

Declaration on Behalf of Purchaser (or Lessee)

I,, of, hereby solemnly and sincerely declare:

1. That I am [*State capacity in which declaration is made, e.g., the Secretary, a Director*] of the purchaser (*or* lessee) in the transaction referred to in the attached application marked “.....”.

2. That the following particulars are in all respects true and correct:

(a) Particulars of all farm land, as defined in the Land Settlement Promotion and Land Acquisition Act 1952, owned, leased, held, or occupied by the company in fee simple, or under any tenure of more than 1 year’s duration, either severally, jointly, or in common with any other person or persons: *

(b) Particulars of all farm land, as so defined, in which the company has any estate or interest, whether legal or equitable and whether vested or contingent, under any trust or will: *

(c) Particulars of all farm land, as so defined, owned, leased, held, or occupied by each company, the members of which are less than 10 in number and of which the purchaser (*or* lessee) company is a member, in fee simple or under any tenure of more than 1 year’s duration, either severally, jointly, or in common with any other person or persons: *

(d) Particulars of all farm land, as so defined, owned, leased, held, or occupied in fee simple, or any tenure of more than 1 year’s duration, by each member of the company and his wife (her husband) either severally, jointly, or in common with any other person or persons: *

SCHEDULE—*continued*

- (e) Particulars of all farm land, as so defined, in which each member of the company or his wife (her husband) has any estate or interest, whether legal or equitable and whether vested or contingent, under any trust, will, or intestacy: *
- (f) [*Where any member of the company is under 17 years of age*] Particulars of all farm land, as so defined, owned, leased, held, or occupied in fee simple, or under any tenure of more than 1 year's duration, by the parents of each member of the company who is under 17 years of age, or in which the parents of any such member have any estate or interest, whether legal or equitable and whether vested or contingent, under any trust, will, or intestacy: *
- (g) [*Where any member of the company holds any shares as a trustee under any trust and any beneficiary under the trust is under the age of 17 years.*]
- (1) The following member(s) of the company hold(s) shares in the company as trustee(s) under a trust:
- (2) A true copy of the trust instrument is attached to the said application and marked "....."
- (3) The following beneficiary (beneficiaries) under the trust was (were) under 17 years of age at the date of the transaction:
- (4) Particulars of all farm land, as so defined, owned, leased, held, or occupied by any such beneficiary in fee simple or under any tenure of more than 1 year's duration, either, severally, jointly, or in common with any other person, or in which any such beneficiary has any estate or interest, whether legal or equitable and whether vested or contingent, under any other trust or under any will or intestacy: *
- (5) Particulars of all farm land, as so defined, owned, leased, held, or occupied in fee simple, or under any tenure of more than 1 year's duration, by a parent of any such beneficiary, either severally, jointly, or in common with any other person or persons, or in which a parent of any such beneficiary has any estate or interest, whether legal or equitable and whether vested or contingent, under any trust, will, or intestacy: *
- (h) Particulars of any estate or interest in farm land, as so defined, which since the passing of the above-mentioned Act (namely, the 16th day of October 1952) the company has transferred, granted, leased, or otherwise disposed of to any person as trustee for any person or in respect of which since that date the company has created any trust: *
- (i) [*In case other farm land is owned, held, or occupied as set out in the foregoing paragraphs (a) to (g).*]
- (1) The class of farming carried on, stock carried, and the production each year for the past 3 seasons:
- (2) Why that farm land is insufficient for purchaser's or lessee's requirements:
- (j) The type of farming proposed to be engaged in:
- (k) The company's reason for desiring to acquire the property subject to the application for consent is:

SCHEDULE—*continued*

3. [As in paragraph 3 of form 7.]

4. [As in paragraph 4 of form 7.]

5. [As in paragraph 5 of form 7.]

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Oaths and Declarations Act 1957.

Signature:

Declared at this day of 19....., before me:

.....
 Justice of the Peace.
 or Solicitor.
 or Notary Public.
 [Or other person duly authorised to take and receive statutory declarations.]

The address for service of the purchaser (lessee) is at

NOTE—In any case where the documents attached to the application cannot be produced to the deponent at the time of his making the foregoing declaration, copies of the documents referred to in paragraphs 2 (g) (2) and 3 of the declaration should be attached as exhibits and the declaration amended accordingly.

*Give reference to section, block, district, title reference, area, tenure, Government valuation and date thereof.

[Not printed]

Form 10

R. 34 (2) (b)

DECLARATION BY PURCHASER (or LESSEE) IN SUPPORT OF APPLICATION FOR CONSENT UNDER PART IIA OF LAND SETTLEMENT PROMOTION AND LAND ACQUISITION ACT 1952

(To be Used where the Purchaser or Lessee, being an Individual, is not a Trustee)

(General heading—Form 1)

Declaration by Purchaser (or Lessee)

- I, of solemnly and sincerely declare:
1. That I am the purchaser (or lessee) in the transaction referred to in the attached application marked ".....".
 2. That the following particulars are in all respects true and correct:
 - (a) During the 3 years immediately preceding the date of the transaction I have been resident in New Zealand during the following periods, that is to say:
 - (b) I intend to reside permanently in New Zealand, and so declare because [State matters supporting intention].
 - (c) [Where the land in the transaction is farm land] I intend to farm the land exclusively for my own use and benefit and have the ability and means to achieve that purpose, and so declare because [State briefly experience and financial situation].
 3. [As in paragraph 3 of form 7.]
 4. [As in paragraph 4 of form 7.]
 5. [As in paragraph 5 of form 7, but referring to Part IIA of the Land Settlement Promotion and Land Acquisition Act 1952.]

SCHEDULE—*continued*

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Oaths and Declarations Act 1957.

Declared at this day of 19....., before me:

Signature:

.....
Justice of the Peace.

or Solicitor.

or Notary Public.

[Or other person duly authorised
to take and receive statutory
declarations.]

The address for service of the purchaser (lessee) is at

NOTE—In any case where the documents attached to the application cannot be produced to the deponent at the time of his making the foregoing declaration, copies of the documents referred to in paragraph 3 of the declaration should be attached as exhibits and the declaration amended accordingly.

[Not printed]

R. 34 (2) (b)

Form 11

DECLARATION BY PURCHASER (or LESSEE) IN SUPPORT OF APPLICATION
FOR CONSENT UNDER PART IIA OF LAND SETTLEMENT PROMOTION AND
LAND ACQUISITION ACT 1952

(To be Used where the Purchaser or Lessee, being a Corporation, is not
a Trustee)

(General heading—Form 1)

Declaration on Behalf of Purchaser (or Lessee)

I,, of, hereby solemnly and sincerely declare:

1. That I am [*State capacity in which declaration is made, e.g., the Secretary, a Director*] of the purchaser (or lessee) in the transaction referred to in the attached application marked “.....”.

2. That the following particulars are in all respects true and correct:

(a) The purchaser intends to use the land for the following purpose:

(b) The purchaser will be able to achieve the purpose set out in sub-paragraph (a) hereof because [*Set out experience and special knowledge available together with details of financial ability to achieve that purpose.*]

3. [*As in paragraph 3 of form 7.*]

4. [*As in paragraph 4 of form 7.*]

5. [*As in paragraph 5 of form 7, but referring to Part IIA of the Land Settlement Promotion and Land Acquisition Act 1952.*]

SCHEDULE—*continued*

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Oaths and Declarations Act 1957.

Signature:

Declared at this day of 19....., before me.

.....
Justice of the Peace.
or Solicitor.
or Notary Public.
[Or other person duly authorised
to take and receive statutory
declarations.]

The address for service of the purchaser (lessee) is at

NOTE—In any case where the documents attached to the application cannot be produced to the deponent at the time of his making the foregoing declaration, copies of the documents referred to in paragraph 3 of the declaration should be attached as exhibits and the declaration amended accordingly.

[Not printed]

Form 12

R. 34 (2) (b)

DECLARATION BY PURCHASER (OR LESSEE) IN SUPPORT OF APPLICATION
FOR CONSENT UNDER PART IIA OF LAND SETTLEMENT PROMOTION AND
LAND ACQUISITION ACT 1952

(To be Used where Purchaser or Lessee is a Trustee)

(General heading—Form 1)

Declaration by Purchaser (or Lessee)

I,, of, hereby solemnly and sincerely declare:

1. That I am the purchaser (or lessee) in the transaction referred to in the attached application marked ".....". [If purchaser or lessee is a corporation state capacity in which declaration is made.]

2. That I am the purchaser (or lessee) in the transaction as a trustee under an instrument of trust, a true copy of which marked "....." is attached to the said application.

3. That the following particulars are in all respects true and correct:

(a) The full names and ages of the beneficiaries under the trust are as follows:

(b) The following beneficiaries are New Zealand citizens:

(c) The following beneficiaries, being individuals and not being New Zealand citizens, have during the 3 years immediately preceding the date of the transaction been resident in New Zealand during the following periods, and their future intentions as to residence are as follows:

(d) The following beneficiaries are bodies corporate and are overseas corporations (or ordinarily resident in New Zealand [as the case may be]):

(e) [Where the land is farm land] I intend to use the land for the following purpose:

(f) [Where the land is farm land] I will be able to achieve the purpose set out in subparagraph (e) hereof because [Set out experience and special knowledge available together with details of financial ability to achieve that purpose.]

SCHEDULE—continued

- 4. [As in paragraph 3 of form 7.]
- 5. [As in paragraph 4 of form 7.]
- 6. [As in paragraph 5 of form 7, but referring to Part IIA of the Land Settlement Promotion and Land Acquisition Act 1952.]

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Oaths and Declarations Act 1957.

Signature:

Declared at this day of 19....., before me:

.....
 Justice of the Peace.
 or Solicitor.
 or Notary Public.
 [Or other person duly authorised
 to take and receive statutory
 declarations.]

The address for service of the purchaser (lessee) is at

NOTE—In any case where the documents attached to the application cannot be produced to the deponent at the time of his making the foregoing declaration, copies of the documents referred to in paragraphs 2 and 4 of the declaration should be attached as exhibits and the declaration amended accordingly.

[Not printed]

R. 41 (2)

Form 13

NOTICE OF ORDER GRANTING UNCONDITIONAL CONSENT UNDER SECTION 28 OF LAND SETTLEMENT PROMOTION AND LAND ACQUISITION ACT 1952
 (General heading—Form 1)

On reading the above application, the Land Valuation Tribunal is satisfied that the application should be granted, and has made an order dated the day of 19..... consenting, pursuant to Part II (or Part IIA or Parts II and IIA) of the Land Settlement Promotion and Land Acquisition Act 1952, to the transaction in accordance with the application without calling on the applicant or hearing evidence.

To

..... Registrar.

Form 14

R. 45 (2)

NOTICE OF DECISION OF LAND VALUATION TRIBUNAL IN OBJECTION TO VALUATION

(General heading—Form 1)

The Land Valuation Tribunal has this day of 19....., made the following entry against the record of your objection in these proceedings:

Unless within the time prescribed by section 26 (2) of the Land Valuation Proceedings Act 1948 you appeal against this decision, it will be sealed as an order of the Tribunal.

..... Registrar.

SCHEDULE—*continued*

Form 15

R. 45 (2)

NOTICE OF FINAL ORDER

(General heading—Form 1)

The Land Valuation Tribunal has this day of 19..... made the following final order (or award) in these proceedings:

The time for appeal, as prescribed by section 26 (2) of the Land Valuation Proceedings Act 1948, runs from the above-mentioned date. Registrar.

To

Form 16

R. 46 (1)

ORDER OF LAND VALUATION TRIBUNAL

(General heading—Form 1)

Before the Land Valuation Tribunal

On the application (or claim, or as the case may be) of [*Name of applicant, etc.*] for [*Set out nature of proceedings*] in respect of the land described in the schedule hereto (or as the case may be)

And on hearing

It is ordered that [*Set out precisely the nature of the award or order made, and any conditions imposed by it. In the case of a consent granted under the Land Settlement Promotion and Land Acquisition Act 1952, state whether consent is pursuant to Part II or Part IIA of Act, or under both Part II and Part IIA*] upon the following grounds: [*Set out the grounds.*]

SCHEDULE

[*Description of land, including area and title reference.*]

Dated at this day of 19.....
.....Registrar.

[*Not printed*]

Form 17

RR. 47 (2), 53 (a)

ORDER ON OBJECTIONS TO VALUATIONS

(General heading—Form 1)

It is ordered that the objections to valuations mentioned in the list annexed hereto (other than the objections upon which the decisions are marked as being the subject of appeal or applications or orders for reinstatements)* are hereby determined in the manner indicated by the respective entries of the decisions of the Land Valuation Tribunal made in the said list in accordance with section 21 of the Valuation of Land Act 1921.

*Delete if not applicable.

..... Registrar.

[*Not printed*]

SCHEDULE—*continued*

R. 50 (1)

Form 18

NOTICE TO SHOW CAUSE WHY CONSENT SHOULD NOT BE REVOKED
(General heading—Form 1)

You are required to attend before the Land Valuation Tribunal at on day the day of 19 at a.m. (p.m.), to show cause why the consent of the Tribunal to [*Specify the terms of the consent*] should not be revoked on the ground that a false or misleading statement has been made in connection with the application for consent (*or* that all the material facts in connection with the transaction were not submitted to the Tribunal).

You are required by section 34 (2) of the Land Settlement Promotion and Land Acquisition Act 1952 to forward forthwith to the Land Valuation Tribunal at the office of the Magistrate's Court at the order granting the consent, and to refrain from completing or proceeding with the transaction to which the consent relates until the Tribunal has determined whether or not the consent should be revoked.

Unless cause is shown to the Tribunal why the consent should not be revoked, an order may be made revoking the consent, which shall then, for the purposes of the Land Settlement Promotion and Land Acquisition Act 1952, be deemed not to have been obtained.

Dated at this day of 19.....

To

..... Registrar.

[*Not printed*]

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the rules, but is intended to indicate their general effect.

These rules prescribe the procedure in proceedings before Land Valuation Tribunals, and are consequential on the provisions of the Land Valuation Proceedings Amendment Act 1977 constituting such Tribunals to exercise the jurisdiction of Land Valuation Committees and of the Administrative Division of the Supreme Court in land valuation proceedings.

The rules follow the relevant provisions of the Supreme Court (Administrative Division) Rules 1969 (S.R. 1969/145) with only consequential changes.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 1 September 1977.

These rules are administered in the Department of Justice.