

Serial Number 1947/10



THE NEW ZEALAND REPARATION ESTATES ORDER 1947

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 29th day of
January, 1947

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

WHEREAS by virtue of the provisions of the Treaty of Peace with Germany which was signed at Versailles on the 28th day of June, 1919, and of the New Zealand Reparation Estates Order 1920, His Majesty, in right of the Government of New Zealand, is entitled to certain property situated in Western Samoa and at one time belonging to German nationals or German companies and to the proceeds wherever situated of that property :

Now, therefore, pursuant to the Treaties of Peace Act, 1919, the Western Samoa Order in Council 1920 made by His Majesty in Council, and all other powers and authorities him enabling, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, and for the purpose of consolidating and amending certain enactments heretofore in force, doth hereby order as follows :—

PART I.—PRELIMINARY

1. This Order may be cited as the New Zealand Reparation Estates Order 1947.

2. In this Order, unless inconsistent with the context,—

“ Administrator ” means the Administrator of Western Samoa :

“ Consolidated Fund ” means the Consolidated Fund of the Government of New Zealand :

“ General Manager ” means the General Manager of the New Zealand Reparation Estates :

“ Land ” includes any leasehold interest in land and any right, title, or interest recognized by the laws in force in Samoa prior to the 1st day of May, 1920, being the date of coming into operation of the New Zealand Reparation Estates Order 1920, and corresponding to a leasehold interest as recognized by the laws of New Zealand :

“Minister” means the Minister of Island Territories :

“New Zealand Reparation Estates” and “Reparation Estates” mean all lands vested in His Majesty by or in pursuance of any Order hereby revoked and remaining so vested at the time of coming into force of this Order and all lands hereafter for the time being vested in His Majesty by or in pursuance of this Order :

“Reparation Estates assets” includes all moneys which at the time of coming into force of this Order or at any time hereafter are owing to the Crown in connection with the administration of the New Zealand Reparation Estates, and generally all personal property other than leasehold interests in land which at the time of coming into force of this Order or at any time hereafter is held by the Crown or any officer or agent thereof for the purposes of or in connection with the administration of the New Zealand Reparation Estates.

3. The enactments referred to in the table subjoined to this clause, so far as not heretofore revoked, are hereby revoked with the exceptions mentioned in the said table :—

Table of Revoked Enactments

Short Title or Date. (Short Titles of Enactments prior to the New Zealand Reparation Estates Amendment Order 1926 are cited as amended by that Order.)	Published in <i>Gazette</i> .	
	Year.	Page.
The New Zealand Reparation Estates Order 1920 ..	1920	1712
The New Zealand Reparation Estates Amendment Order 1920	1920	3209
4th October, 1921	1921	2492
24th October, 1922	1922	2898
12th February, 1923	Not published in <i>Gazette</i> .	
The New Zealand Reparation Estates Amendment Order 1923	1923	2742
The New Zealand Reparation Estates Amendment Order 1924	1924	1674
The New Zealand Reparation Estates Amendment Order 1926	1926	710
The New Zealand Reparation Estates Amendment Order 1926 (No. 2)	1926	2407
The New Zealand Reparation Estates Amendment Order 1926 (No. 3)	1926	2742
The New Zealand Reparation Estates Amendment Order 1929	1929	1448
The New Zealand Reparation Estates Amendment Order 1930, except subclause (3) of clause 2 thereof as inserted by the New Zealand Reparation Estates Amendment Order 1932	1930	2444
The New Zealand Reparation Estates Amendment Order (No. 2) 1930	1930	3494
The New Zealand Reparation Estates Amendment Order 1932, except so far as it amends the New Zealand Reparation Estates Service Order 1926	1932	1899

4. All executive orders, Warrants, appointments, leases, and other assurances and contracts, and generally all acts of authority and all other documents, matters, acts, and things, and all periods of time, which originated or had effect under the enactments hereby revoked and are of continuing effect at the time of coming into force of this Order shall enure for the purposes of this Order as if they had originated under this Order, and shall, where necessary, be deemed to have so originated.

5. Nothing in this Order shall prejudice or affect the provisions of sections 7, 8, and 9 of the Samoa Amendment Act, 1926, or any authorizing Order in Council made thereunder, or sections 19 and 20 of the Finance Act, 1931 (No. 2), or the New Zealand Reparation Estates Service Order 1926 and the amendments thereof in so far as they may still be in force, notwithstanding the effect of the said section 19 of the Finance Act, 1931 (No. 2).

PART II.—GENERAL

6. There shall be an officer to be called the General Manager of the New Zealand Reparation Estates who shall, subject to the general direction of the Minister, be charged with the execution of this Order and with the administration of the New Zealand Reparation Estates.

7. The officer holding office as General Manager of the New Zealand Reparation Estates at the time of coming into force of this Order shall be deemed to have been appointed to hold office as General Manager under this Order.

8. All references to the New Zealand Reparation Estates Board or to the Manager of the New Zealand Reparation Estates contained in any instrument originating under any enactment hereby or heretofore revoked and being an instrument of continuing effect at the time of coming into force of this Order shall hereafter be deemed to be references to the General Manager constituted by this Order.

9. The Reparation Estates and the Reparation Estates assets shall be administered under this Order for and on behalf of His Majesty in right of the Government of New Zealand.

10. All rents, profits, and other revenues derived from the Reparation Estates and the Reparation Estates assets shall be received on account of the Consolidated Fund.

11. All moneys so received shall be deemed to be public moneys within the meaning of the Public Revenues Act, 1926, and the provisions of that Act and of the regulations made thereunder shall, with the exception of sections 21 and 44, as far as possible, apply to such moneys.

12. If any question arises as to whether any revenues or other moneys are payable into the Samoan Treasury or (by virtue of this Order) into the Consolidated Fund, or as to whether any expenditure is chargeable on the Samoan Treasury or (by virtue of this Order) on the Consolidated Fund, the question shall be determined by the Controller and Auditor-General, whose decision shall be final and conclusive.

13. Subject to the approval of the Minister, all Reparation Estates shall, as the General Manager thinks fit, and on such terms and in such manner as he thinks fit, be either sold or leased or managed by the General Manager as a plantation or utilized by him in such other manner as may be proper for the production of adequate revenue therefrom.

14. All Reparation Estates assets shall be disposed of by the General Manager in such manner as the Minister directs, and the proceeds of such assets or of the disposition thereof shall be paid into the Consolidated Fund, and, pending disposal thereof, such assets shall be utilized for the purposes of the Reparation Estates in such manner as the General Manager thinks fit.

15. The Minister may from time to time direct that any Reparation Estate or any part thereof may be used for the purposes of the Government of Samoa, subject to such conditions as to periods of user, maintenance, cultivation, or other matters as the Minister may deem advisable.

16. Subject to the provisions of this Order, all the provisions of the Samoa Act, 1921, and of any other enactment in force in Samoa with respect to Crown land or the property rights and obligations of the Crown shall apply to the New Zealand Reparation Estates and to Reparation Estates assets in the same manner as if such estates and assets were those of the Crown in right of the Government of Samoa.

17. Nevertheless, all the provisions of any enactment in force in Samoa relating to the imposition of revenue, including Customs and excise duties, stamp duties, license fees, and other taxes, shall apply to the New Zealand Reparation Estates and to Reparation Estates assets and to contracts and assurances relating thereto as if such estates assets, contracts, and assurances were not those of the Crown.

PART III.—DIVESTING

18. (1) If any Reparation Estate is, in the opinion of the Administrator, required for the purposes of the Government of Samoa, the Minister may, if he thinks fit, by order under his hand and the seal of Samoa, transfer that estate to the Government of Samoa on the payment of the value thereof out of the Samoan Treasury into the Consolidated Fund, and the estate shall thereupon cease to be a New Zealand Reparation Estate and shall become Crown land to be administered as such in the ordinary course by and on account of the Government of Samoa.

(2) For the purposes of this clause the value of an estate shall be the value as assessed by a competent valuer or valuers to be appointed for that purpose by the Minister.

(3) This clause shall apply to any portion of an estate in the same manner as to the whole.

19. Roads over the Reparation Estates may be proclaimed by the Administrator in pursuance of the Samoa Act, 1921, in the ordinary course in the same manner and with the same effect as if such estates were ordinary Crown land in Samoa.

20. If any Reparation Estates assets are, in the opinion of the Administrator, required for the purposes of the Government of Samoa, the General Manager may, with the approval of the Minister, transfer such assets to the Government of Samoa on the payment of the value thereof as agreed between the Administrator and the General Manager into the Consolidated Fund.

21. The power of sale hereinbefore conferred shall be deemed to authorize the General Manager, with the approval of the Minister, to grant any easement or other limited right, title, estate, or interest in the Reparation Estates and to authorize any contract by way of exchange as fully as by way of sale.

22. All assurances necessary or proper for carrying into effect any contract for the alienation of Reparation Estates or any interest therein shall be made and executed in manner provided by section 269 of the Samoa Act, 1921.

PART IV.—FURTHER ACQUISITIONS

23. The Minister may, on payment out of the Consolidated Fund into the Samoan Treasury of the value thereof assessed as provided by clause 18, by Warrant issued under his hand and the seal of Samoa and published in the *Western Samoa Gazette*, declare that any Crown land in Samoa or any interest in Crown land in Samoa shall be subject to this Order, and such land or interest in land shall thereafter be deemed to be New Zealand Reparation Estates for all the purposes of this Order.

24. The Minister may, for the purposes of the New Zealand Reparation Estates, for and in the name of His Majesty, purchase any land in Samoa or acquire by grant or assignment, and whether upon exchange or otherwise, any lease, easement, or other limited right, title, estate, or interest in any such land, and upon notification under the hand of the Minister and the seal of Samoa published in the *Western Samoa Gazette* that any land or right, title, estate, or interest in land has been purchased or acquired for the purposes aforesaid the same shall be deemed to be New Zealand Reparation Estates for all the purposes of this Order.

25. It shall be lawful for any Ordinance closing a road under section 347 of the Samoa Act, 1921, to provide for the vesting of land within the area of the road so closed in His Majesty subject to this Order, and land so vested shall thereafter be deemed to be New Zealand Reparation Estates for all the purposes of this Order.

W. O. HARVEY,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 30th day of January, 1947.

These regulations are administered in the Department of Island Territories.