

Portion of Part II of the Finance Act, 1915, to be enforced in the Cook Islands.

LIVERPOOL, Governor.
ORDER IN COUNCIL.

At the Government House at Wellington, this eighth day of November, 1915.

Present :

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

WHEREAS by section thirty of the Finance Act, 1915 (hereinafter referred to as "the said Act"), it is provided that Part II of the said Act shall not come into operation in the Cook Islands until a date to be specified in that behalf by the Governor in Council :

And whereas it is expedient that Part II of the said Act, except section twenty-five thereof, shall take effect in the said Islands on and after the date hereinafter mentioned :

Now, therefore, His Excellency the Governor of the Dominion of New Zealand, in pursuance and exercise of the power and authority conferred upon him by section thirty of the said Act, and acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby determine that Part II of the said Act, except section twenty-five thereof, shall take effect in the Cook Islands on and after the fifteenth day of November, one thousand nine hundred and fifteen.

J. F. ANDREWS,
Clerk of the Executive Council.

Regulations under the Discharged Soldiers Settlement Act, 1915.

LIVERPOOL, Governor.
ORDER IN COUNCIL.

At the Government House at Wellington, this eighth day of November, 1915.

Present :

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

IN pursuance and exercise of the powers conferred on him by the Discharged Soldiers Settlement Act, 1915 (hereinafter referred to as "the said Act"), His Excellency the Governor of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby make the following regulations for the purpose of giving effect to the provisions of the said Act.

REGULATIONS.

1. APPLICATIONS to purchase land under section 4 of the said Act shall be in the Form No. 1 in the Schedule hereto, and applications to lease land under the said section shall be in the Form No. 2 in the said Schedule.

2. Every application to purchase or to lease land under the said Act and these regulations shall be accompanied by a statutory declaration in the Form No. 3 in the Schedule hereto.

3. (1.) If two or more applications are received in respect of one allotment of land, the Land Board shall determine which of the applicants, in its opinion, is most suitable to occupy the land, or is most in need of the land, and shall dispose of the land so as to comply with the direction of the said Act that the Board shall as far as practicable assist applicants in acquiring suitable allotments.

(2.) If the Board is unable to determine between the claims of any two or more applicants, as provided in the last preceding subclause, it shall cause a ballot to be taken in the manner in which ballots are taken for the purposes of the Land Act, 1908.

PURCHASE OF LAND.

4. In the case of lands to be disposed of by way of sale under section four of the said Act, the price shall be fixed by the Land Board with the approval of the Minister of Lands. The price so fixed shall be such amount as the Board considers reasonable, notwithstanding that in the case of lands purchased by the Crown under the Land for Settlements Act, 1908, or the Native Land Act, 1909, the price so fixed may be less than the price paid for such land, together with the charges and expenses incurred by the Crown in connection therewith.

5. In the case of lands purchased on deferred payment the following provisions shall apply :—

(a.) The purchaser shall forthwith on the approval of his application pay a deposit equal to 5 per centum of the price of the land, and shall thereupon be entitled to receive a license to occupy the said land, in the Form No. 4 in the Schedule hereto.

(b.) The license to occupy shall provide for the payment of the balance of 95 per centum of the price by equal annual instalments extending over such period as the Board in each case determines, with a right to the licensee to pay off at any time the whole or any part of the price then remaining unpaid, and shall also provide for the payment by the licensee of interest half-yearly at the rate of 5 per centum per annum from the date of his purchase upon such part of the price as for the time being remains unpaid.

(c.) Upon payment of the price in full, and of all interest, the purchase shall be deemed to be completed, and a certificate of title for the said land shall be issued accordingly.

6. Every license to occupy and every certificate of title issued under the foregoing regulations shall have endorsed upon or written thereon a memorial to the effect that the land comprised therein shall not, except with the consent of the Land Board and the approval of the Minister of Lands, be capable of being transferred until the expiry of ten years after the date of the sale.

LEASES.

7. Every lease issued under section 4 of the said Act shall be in the Form No. 5 in the Schedule hereto, and shall be for such term, with or without a right of renewal, as the Board in each case may determine :

Provided that no lease under these regulations shall be for a longer term than thirty-three years in the case of lands acquired under the Land for Settlements Act, or sixty-six years in the case of other lands, with a perpetual right of renewal for further successive terms of thirty-three years or sixty-six years, as the case may be.

8. The value of improvements required to be effected by the lessee during the term of his lease shall in each case be determined by the Board, and for the purpose of fixing such value the Board shall take into consideration the purpose, as set out in his application, for which the lessee intends to use the land.

9. Every lessee of land disposed of under these regulations shall be required to reside continuously on the land comprised in his lease :

Provided that the Board may postpone the date of the commencement of such residence for such period in any case as it thinks fit, or may dispense with such residence if it is satisfied in any case that the land may be effectively used by the lessee for the purpose for which it was acquired without his residence thereon.

10. (1.) The rent payable under any lease shall in each case be determined by the Board, and shall not in any case exceed an annual amount equal to 4½ per centum of the capital value of the land, as determined by the Board and the Minister for the purposes of these regulations.

(2.) The rent for the period elapsing between the due date of the lease and the due date of the first half-yearly payment shall be payable, at the option of the Board, either with such first half-yearly payment or on the due date of the next succeeding half-yearly payment.

(3.) The said rent shall be paid to the Receiver of Land Revenue in equal parts on the first day of January and the first day of July of each year during the continuance of the lease.

(4.) In the case of a renewable lease the rent payable on renewal shall be determined by the Board, and shall be based on a valuation of the land comprised in the lease as at the date of the renewal, exclusive of the value of improvements effected by the lessee or by a predecessor in title, to which the lessee has acquired a title either by purchase or otherwise.

11. (1.) On the termination by effluxion of time of a lease granted under these regulations, if a renewal of such lease is not granted, the lessee shall be entitled to receive from the Crown the value of all existing improvements of a permanent character effected by him or by a predecessor in title, and to which he has acquired a title either by purchase or otherwise.

(2.) For the purposes of this regulation, the value of improvements shall be such value as may be agreed on between the Board and the lessee, and in default of agreement shall be determined by arbitration under the Land Act, 1908.

12. (1.) Before disposing of any land by way of lease under these regulations the Board, with the approval of the Minister of Lands, shall determine the capital value thereof, and the lessee may at any time during the continuance of his lease, with the approval of the Board and consent of the Minister, acquire the fee-simple of the lands comprised therein at the value so determined :

Provided that nothing in this regulation shall authorize the acquisition of the fee-simple of any national-endowment land.