

Regulations under the Discharged Soldiers Settlement Act, 1915.

LIVERPOOL, Governor-General.  
ORDER IN COUNCIL.

At the Government House at Wellington, this twentieth day of August, 1918.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL 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-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby revoke the several Orders in Council making regulations under the authority of the said Act, and dated respectively the eighth day of November, one thousand nine hundred and fifteen, the seventh day of March and the thirteenth day of November, one thousand nine hundred and sixteen, the second day of April, the thirtieth day of April, and the fifteenth day of October, one thousand nine hundred and seventeen, the eleventh day of February and the eighth day of April, one thousand nine hundred and eighteen; and in lieu thereof doth hereby make the following regulations.

PART I.

REGULATIONS PRESCRIBING SPECIAL TENURES.

Applications.

1. APPLICATIONS to purchase land under section 4 of the said Act shall be in the Form No. 1 in the First 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 First 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.

4. In the case of lands to be disposed of by way of sale or lease under section 4 of the said Act, the price or capital value shall be fixed by the Land Board with the approval of the Minister of Lands. The price or capital value 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 or value 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.

Purchases of Land.

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, or such lesser amount as the Minister may in any case determine, and shall thereupon be entitled to receive a license to occupy the said land, in the Form No. 4 in the First Schedule hereto.

(b.) The license to occupy shall provide for the payment of the balance 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.

(d.) Residence on any land held under license to occupy shall be compulsory, and shall commence in the case of bush or swamp land within four years, and in the case of open or partly open land within one year, from the date of the license, and shall thereafter

be continuous during the whole of the remainder of the term of the license: Provided that the Land Board may in its discretion dispense with compliance with the requirements of this paragraph.

6. Every license to occupy and every certificate of title issued in respect of land acquired for cash or on deferred payment under these 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, or, in the case of land the fee-simple of which is acquired pursuant to clause 12 hereof, after the date of the lease.

Leases.

7. Every lease issued under section 4 of the said Act and these regulations shall be in the Form No. 5 in the First Schedule hereto, and shall be for such term, with or without a right of renewal, as the Land 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 Land Board, and for the purpose of fixing such value the Land 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 Land 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.) In the case of lands acquired pursuant to section 3 of the Discharged Soldiers Settlement Amendment Act, 1917, and disposed of under these regulations, the annual rent shall be an amount equal to 5 per centum of the capital value thereof, as determined in accordance with clause 4 hereof, and in all other cases the annual rent shall be an amount not exceeding 4½ per centum of such capital value.

(2.) The said rent shall be paid to the Receiver of Land Revenue in equal parts on the 1st day of January and the 1st day of July of each year during the continuance of the lease: Provided that the rent for the period elapsing between the 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 rent payable on renewal of a lease under the foregoing regulations shall be determined by the Land 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 or paid for by the lessee or by a predecessor in title.

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 or paid for by him or by a predecessor in title.

(2.) For the purposes of this regulation the value of improvements shall be such value as may be agreed on between the Land 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 Land Board, with the approval of the Minister of Lands, shall determine the price in accordance with clause 4 hereof, and the lessee may at any time, during the continuance of his lease, with the approval of the Land Board and consent of the Minister, acquire the fee-simple of the lands comprised therein at the price so determined: Provided that nothing in this regulation shall authorize the acquisition of the fee-simple of any national-endowment land.

(2.) The provisions of clause 5 of these regulations (relating to purchases of land on deferred payment) shall, *mutatis mutandis*, apply in respect of the acquisition of the fee-simple under this regulation.

13. The Land Board, with the consent of the Minister, may accept the surrender of any lease granted under these regulations, and the land comprised in such lease shall thereupon be again available for disposal under the said Act and these regulations, and the provisions of sections 72 to 77 of the Land Act, 1908, shall thereupon apply, in the same manner as if the lease were a lease under that Act forfeited for breach of conditions.