

Regulations regarding the Disposal of Lands acquired by the Crown under the Native Townships Act, 1910, and its Amendments.

JELlicoe, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 20th day of December, 1920.

Present :

THE RIGHT HONOURABLE W. F. MASSEY, P.C., PRESIDING IN COUNCIL.

WHEREAS provision is made by section twenty-two of the Native Townships Act, 1910, for the disposition by way of sale, lease, or otherwise of any land acquired by the Crown in a Native township :

And whereas by the said section, as modified by section two of the Native Townships Amendment Act, 1919, and section eight of the Native Land Amendment and Native Land Claims Adjustment Act, 1920, it is provided that the Governor-General may, by Order in Council, make such regulations as he thinks fit with respect to such disposition :

Now, therefore, His Excellency the Governor-General of the Dominion of New Zealand, in pursuance and exercise of the powers conferred on him as aforesaid, and acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby make the following regulations.

REGULATIONS.

1. In these regulations, if not inconsistent with the context,—
“Commissioner” and “Land Board” mean the Commissioner of Crown Lands and the Land Board for the land district in which the land is situated :

“Lessee” means a person holding a lease issued under the Native Townships Act, 1910, or any former Native Townships Act, and the regulations made thereunder :

“Price” means the amount at which the fee-simple may be acquired from the Crown, and shall be ascertained in the manner hereinafter prescribed :

“Notice” means a notice in writing signed by the Commissioner advising the lessee of the price fixed and calling on him to carry out the contract to purchase in accordance with his agreement.

2. Upon receipt of a requisition, signed by not less than one-half of the total number of lessees within any Native township leased under the Native Townships Act, 1910, or any former Native Townships Act, or within any Native subdivision in such township, and upon payment by such signatories of the estimated cost of such valuation, the Commissioner shall obtain from the Valuer-General a new valuation to be made in accordance with the provisions of the Valuation of Land Act, 1908, and the amendments thereof, of the several estates and interests in the land comprised in such township or subdivision, and of each separate allotment therein held under lease. Upon the receipt of such valuation the Commissioner shall notify every lessee in such township or subdivision of the amount of the valuation of the land comprised in his lease.

3. (1.) If not later than three months after the date of such notification by the Commissioner, not less than one-half of the lessees within such township or subdivision shall have entered into an agreement with His Majesty the King undertaking that in the event of the acquisition by the Crown of the land comprised in their leases, at not less than the value of the estate or interest of the Native owners in the land as fixed by the aforesaid valuation, they will, as soon as possible, but not later than six months after being requested so to do by the Commissioner, surrender their present leases and purchase the freehold of the land comprised therein subject to the conditions hereinafter prescribed, the Commissioner shall make application to the Native Land Purchase Board to negotiate for the purchase of the fee-simple of the whole of the lands within such township or subdivision at a price not less than the value of the estate or interest of the aforesaid Native owners as appearing in the aforesaid valuation of such township or subdivision.

(2.) Every such agreement shall be accompanied by a deposit equal to not less than 5 per centum of the value of the estate or interest of the Native owners of the land comprised in the lease, which deposit shall be held by the Commissioner pending the result of the negotiations for the purchase of the fee-simple of the lands. In the event of the lessee completing the purchase as aforesaid, the said deposit shall be applied in the manner hereinafter prescribed, but shall be forfeited to His Majesty if the lessee does not carry out his agreement to purchase within the time prescribed.

4. In entering into the agreement provided for in clause 3 hereof the lessee shall in such agreement state whether he elects to acquire the freehold of the land comprised in his lease for cash or on deferred payment, and the delivery of the said agreement to the Commissioner shall constitute a con-

tract between the lessee and the Crown binding the lessee to purchase the freehold of the land comprised in his existing lease in the event of the beneficial interests of the owners of the said land being acquired by the Crown. Such agreement may be in the form prescribed in the Schedule hereto, and the said form may be altered by the Commissioner to suit any special circumstances.

5. Forthwith on receipt of notice of the acquisition by the Native Land Purchase Board of any land in a Native township held under lease as aforesaid the Commissioner shall give notice to the lessee thereof of the price of the said land ascertained as hereinafter provided, and the said lessee shall within the time prescribed in clause 3 hereof carry out the contract entered into in his agreement.

6. The price of any land disposed of under these regulations shall be the aggregate of the following sums, namely:—

(a.) The amount paid by the Crown to the owners of such land for the fee-simple estate thereof :

(b.) Two and one-half per centum of the amount so paid to cover costs of acquisition by the Crown ; provided that the amount chargeable under this paragraph shall not exceed £50 nor be less than £5.

(c.) Interest on the amount fixed under (a) hereof at the rate of 5 per centum per annum from the respective date or dates of payment thereof by the Crown until date of notice of price given to the lessee by the Commissioner, less the amount of rent paid or payable by the lessee to the Crown under his existing lease during this period.

7. The computation of the price and of all other payments to be made as herein provided, whether the lessee elects to purchase for cash or on deferred payments, shall be made by the Commissioner, or by some person appointed by the Commissioner in that behalf, and by such computation the price and all such other payments shall be conclusively ascertained and determined for all purposes.

8. (1.) If the lessee elects to purchase for cash the fee-simple of the land comprised in his existing lease he shall, within the time prescribed by clause 3 hereof, simultaneously surrender to the Commissioner the said lease and pay the price in full of the land as fixed by the Commissioner, together with Crown-grant fee, and all rent owing to the Crown under his existing lease up to the date of notice by the Commissioner fixing the price as aforesaid, and also interest at 5 per centum per annum on the price from that date to the date of payment. Upon such payments being made in full his existing lease shall determine, and the purchase shall be deemed to be completed, and the purchaser shall thereupon be entitled to receive a certificate of title under the Land Transfer Act for the land comprised in the lease aforesaid, subject to all outstanding interests recorded under clause 11 hereof.

(2.) The amount deposited with the agreement under subsection (2) of section 3 hereof shall be credited towards the payment of price.

9. If the lessee elects to purchase upon deferred payments the fee-simple of the land comprised in his existing lease—

(a.) He shall, within the time prescribed by clause 3 hereof, surrender to the Commissioner the said lease, and shall pay a deposit equal to 5 per centum of the price of the said land, together with £1 ls. license fee, and all rent accrued and accruing due under his lease up to the date of notice by the Commissioner fixing the price as aforesaid, provided that the amount deposited with the agreement under subsection (2) of section 3 hereof may be credited towards any payment prescribed by this section.

(b.) Upon such payment the lease shall determine, and he shall hold the land under license to occupy, but such license shall be subject to any right, title, interest, or encumbrance existing or vested in any person other than the licensee affecting the lease at the time of such determination.

(c.) 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 a period of nineteen years, 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 date of notice from the Commissioner fixing the price upon such part of the price as for the time being remains unpaid.

(d.) The first annual instalment of the price shall be payable on the 1st day of January or the 1st day of July (as the case may be) after the expiration of twelve months from the date of notice from the Commissioner fixing the price, and the succeeding instalments shall be payable on the same day in each year thereafter.

(e.) The first payment of interest shall be payable on the 1st day of January or July (as the case may be) after the expiration of six months from the date