

Regulations under the Discharged Soldiers Settlement Act, 1915.

JELlicoe, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 4th day of September, 1922.

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 twentieth day of August, fourth day of November, seventeenth day of December, one thousand nine hundred and eighteen, the twenty-fourth day of April, twenty-ninth day of July, nineteenth day of August, twenty-second day of September, twenty-third day of December, one thousand nine hundred and nineteen, the first day of April, fourteenth day of May, twenty-second and twenty-ninth days of November, one thousand nine hundred and twenty, the tenth day of January, ninth day of March, twenty-seventh day of June, twenty-fifth day of July, nineteenth day of September, fourteenth day of November, twenty-second day of December, one thousand nine hundred and twenty-one, the twentieth day of March and eighth day of June, one thousand nine hundred and twenty-two; and in lieu thereof doth hereby make the following regulations.

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 application 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 Minister of Lands. The price or capital value so fixed shall be such amount as the Minister 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.) In cases where lands held on deferred payment are proclaimed as subject to the provisions of section 127 of the Land Act, 1908, either directly or in pursuance of section 25 of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1911, all references to "rent" in these enactments shall be deemed, subject to the following modifications, to apply also to the interest payable on unpaid instalments of the price which becomes due during the period fixed for exemption.

In the case of land proclaimed under section 127 of the Land Act, 1908, the period of exemption from payment of such interest shall commence on the 1st day of January or the 1st day of July following the date of selection.

In the case of land proclaimed as subject to the provisions of section 127 of the Land Act, 1908, in pursuance of section 25 of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1911, the period of exemption from payment of interest as aforesaid shall commence on the date fixed by Proclamation thereunder as the commencement of period of exemption from rent.

(d.) 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.

(e.) 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