

*Amending Regulations under the Discharged Soldiers Settlement Act, 1915.*

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington this 10th day of January, 1927.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

IN pursuance and exercise of the powers and authorities conferred upon 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 amend in the manner set forth in the Schedule hereto the regulations under the said Act (hereinafter referred to as the said regulations) made on the eighth day of March, one thousand nine hundred and twenty-six, and published in the *Gazette* of the eighteenth day of March, one thousand nine hundred and twenty-six.

SCHEDULE.

1. CLAUSE 5 of the said regulations is hereby revoked, and the following clause is hereby substituted therefor:—

“5. (1.) In the case of lands purchased on deferred payments, the following provisions shall apply:—

“(a.) The purchaser shall forthwith on the approval of his application to purchase pay a deposit of such amount as may be fixed by the Board, being not less than 3 per centum of the price of the land, and shall thereupon be entitled to receive a license to occupy the land.

“(b.) The license to occupy shall be for a period of thirty-four and a half years to be reckoned from the next 1st day of January or 1st day of July following the date thereof.

“(c.) The license shall provide for the payment by half-yearly instalments of the balance of the purchase-money, together with interest thereon, from the date of the license at the rate of 5½ per centum per annum.

“(d.) Every such half-yearly instalment shall consist partly of principal and partly of interest calculated in accordance with the table in the Eleventh Schedule of the said regulations.

“(e.) The first half-yearly instalment of principal and interest shall be payable on the 30th day of June or the 31st day of December (as the case may be) next following the expiration of six months from the date of the license, and the succeeding instalments shall be payable half-yearly in each year thereafter on the dates herein mentioned.

“(f.) With the first half-yearly instalment there shall also be paid the interest payable on the balance of purchase-money for the period between the date of the license and the date of commencement of the term thereof.

“(g.) (i.) The licensee shall have the right at any time during the currency of his license to pay off either the whole of the purchase-money or any half-yearly instalment or instalments thereof then remaining unpaid.

“(ii.) The payment of any half-yearly instalment of the purchase-money so made shall not affect the periodical continuity of half-yearly instalments, but the amount of principal and interest included in the succeeding instalments shall be calculated according to the aforesaid table as if the half-yearly periods corresponding to the instalments so paid had expired, and the term during which instalments of principal and interest would otherwise have been payable shall be reduced accordingly.

“(h.) The provisions of section 123 of the Land Act, 1924, with respect to rebate of rent shall, with the necessary modifications, apply to payments of such part of the aforesaid instalments as consists of interest, and references in that section to rent shall in such application be deemed to be references to interest.

“(i.) The license to occupy shall be in the form No. 2 (with such modifications as may be necessary) in the Third Schedule of the regulations under the Land Act, 1924, published in the *Gazette* of the 21st day of October, 1926.

“(j.) Upon payment of the purchase-money in full and of all interest thereon the purchase shall be deemed to be completed, and the Commissioner shall certify to the Minister that the licensee is entitled to a certificate of title in respect of the land purchased, and a certificate of title shall in due course be issued to him accordingly.

“(2.) Except in cases where residence may be dispensed with pursuant to the Land Act, 1924, residence on rural land comprised in a license granted in terms of this section shall be compulsory, and shall commence in the case of bush or swamp lands within four years, and in the case of open or partly open lands within one year, from the date of selection, and thereafter such residence shall be continuous during the whole of the remainder of the term of the license.

“(3.) The following provisions of the Land Act, 1924, shall, with the modifications (if any) hereinafter specified, apply with respect to licenses granted in terms of this section, namely:—

“(a.) Section 90 (prescribing conditions attaching to leases and licenses of Crown lands):

“(b.) Section 135 (defining the power of the Governor-General to resume possession). Where possession of part only of the land comprised in a license granted in terms of this regulation is resumed pursuant to the said section 135, the purchase-money shall be reduced by a proportion thereof equal to the proportion borne by the value of the area resumed to the value of the whole area originally comprised in the license, and thereupon such adjustment as may be necessary shall be made in respect of future instalments of purchase-money and interest:

“(c.) Sections 136 to 141 (relating to the payment of ‘thirds’) except in the case of lands acquired under the Land for Settlements Act, 1925. For the purposes of this paragraph the amount of ‘thirds’ shall be computed in all respects as if the land comprised in the license had been disposed of by way of occupation with right of purchase under Part III of the Land Act, 1924.

“(d.) Sections 186 and 187 (with respect to improvements to be effected by selectors of Crown land).

“(4.) Where the land comprised in any license granted in terms of this regulation is subject to the provisions of section 133 of the Land Act, 1924, all references in that section or in section 134 of that Act, as the case may be, to ‘rent’ shall in their application to such land be deemed to be references to the interest payable in respect of unpaid purchase-money for the period of exemption fixed pursuant to the said sections respectively.

“(5.) Where the land comprised in any license granted in terms of this regulation is revalued pursuant to section 216 of the Land Act, 1924, the committee appointed for the purposes of that section may reduce the price of the land from the 1st day of January or the 1st day of July next following the date of revaluation, and the instalments of principal and interest thereafter becoming payable shall be adjusted accordingly.”

2. Clause 12 of the said regulations is hereby amended as follows:—

(a.) By omitting from subclause (1) thereof the following words: “Provided that nothing in this regulation shall authorize the acquisition of the fee-simple of any national-endowment land.”

(b.) By omitting subclause (2) thereof; and by adding after clause 12 as hereby amended the following new clause:—

“12A. (1.) If the owner of a lease elects to purchase upon deferred payments, the following provisions shall apply:—

“(a.) He shall, within three months after the delivery of the notice of his intention to purchase, pay a deposit of such amount as may be fixed by the Board, being not less than 3 per centum of the price, together with all rent accrued and accruing due under the lease up to the date of the delivery of the notice.

“(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 lessee affecting the lease at the time of such determination. Such license shall be in the form No. 3 (with such modifications as may be necessary) of the Third Schedule of the regulations under the Land Act, 1924, published in *Gazette* of the 21st day of October, 1926.

“(c.) The license to occupy shall be for a period of thirty-four and a half years, to be reckoned from the 1st day of January or the 1st day of July next after the expiration of three months from the date of delivery of the notice.