

New Zealand.



ANALYSIS.

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1925, No. 33.

Title. AN ACT to make Special Provision for the Administration and Disposal of certain Lands in the Hutt Valley acquired by the Crown for Settlement or other Purposes.

[1st October, 1925.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title. 1. This Act may be cited as the Hutt Valley Lands Settlement Act, 1925.

Interpretation. 2. In this Act—
 “Land Board.” means the Land Board of the Wellington Land District:
 “Land for Settlements Act” means the Land for Settlements Act, 1908, or any Act that may be passed in substitution for that Act:
 “Minister” means the Minister of Lands.

Application of Act.

Application of Act. 3. (1.) This Act shall apply to such lands in the Hutt Valley as have heretofore been or may hereafter be acquired by the Crown under the Land for Settlements Act and as are from time to time

declared by the Governor-General, by Proclamation, to be subject to the provisions of this Act. In addition to lands of the class hereinbefore referred to, any other land vested in the Crown may be included in a Proclamation under this section.

(2.) Any Proclamation under this section may be at any time in like manner revoked or varied.

(3.) When any land which was originally settlement land is excluded from the operation of this Act by virtue of any Proclamation under the last preceding subsection, that land shall, save as may be otherwise lawfully provided in the Proclamation, again become subject to the Land for Settlements Act.

Constitution of Advisory Board.

4. (1.) For the purposes of this Act there is hereby established an Advisory Board whose function shall be to make to the Land Board such recommendations, not inconsistent with this Act, as it thinks fit, with respect to the mode of subdivision and disposal of lands subject to this Act and generally with respect to matters arising in the administration of this Act.

Constitution of
Advisory Board.

(2.) The Advisory Board shall consist of—

(a.) The Commissioner of Crown Lands for the Wellington Land District, who shall be the Chairman of the Board :

(b.) An officer of the Government Railways Department, to be appointed in that behalf by the Minister of Railways, and to hold office during his pleasure :

(c.) An officer of the Department of Public Works, to be appointed in that behalf by the Minister of Public Works, and to hold office during his pleasure :

(d.) One other person to be appointed by the Governor-General, and to hold office during his pleasure.

(3.) If any member of the Advisory Board is incapacitated by reason of illness, absence, or other cause from attending any meeting of the Board, the authority by which he was appointed may appoint a deputy of that member to attend such meeting in his stead.

(4.) At any meeting of the Advisory Board three members shall form a quorum.

(5.) Save as herein expressly provided, the Advisory Board shall regulate its own procedure.

Disposal of Land subject to this Act.

5. Save as otherwise expressly provided by this Act, land subject to this Act (whether originally settlement land or not) shall be subject to the Land for Settlements Act, and of all other Acts in so far as they relate to settlement land, and the provisions of such Acts shall apply thereto accordingly.

Application of Land
for Settlements Act.

6. (1.) Except in special cases where the Minister otherwise determines, all land subject to this Act may be disposed of by way of sale in fee-simple.

Sale of lands subject
to this Act.

(2.) Where lands are disposed of by way of sale pursuant to this section the following special provisions shall apply :—

(a.) The land to be so disposed of shall be divided into such allotments as the Land Board with the approval of the Minister determines.

- (b.) All such allotments shall be sold by public auction, and shall be submitted to auction at an upset price equal to the capital value of the land.
- (c.) Such capital value shall be fixed by the Minister, and shall be not less in the case of any allotment than is sufficient to cover its proportion of—
- (i.) The cost of the acquisition of the land together with interest thereon computed at the rate of five per centum per annum from the date of acquisition;
 - (ii.) The cost of survey;
 - (iii.) The cost of the construction of roads, streets, footpaths, drainage-works, and other works and operations done on the land, including the cost of acquisition of so much of the land as is required for the purposes of any such works and operations;
 - (iv.) The value of the land comprised in any reserve set apart out of land subject to this Act in so far as that value remains a charge on the Land for Settlements Account;
 - (v.) The estimated cost of administration; and
 - (vi.) Such additional sum by way of betterment as may be fixed by the Minister of Lands and the Minister of Railways in respect of the construction or proposed construction of a line of railway from Petone to Waterloo Road.

Sales may be for cash or on deferred payments.

7. Any sale of land subject to this Act may, as the Land Board determines, be for cash or on terms requiring the payment of the purchase-money, with interest thereon, in accordance with any of the following provisions, namely:—

- (a.) By payment in instalments as follows:—
- (i.) Ten per centum of the purchase-money at the time of sale;
 - (ii.) Ten per centum thereof on the expiration of each of the following periods from the date of sale—namely, three months, six months, nine months, and twelve months;
 - (iii.) The balance of fifty per centum on the expiration of eighteen months from the date of sale;
 - (iv.) Interest on the unpaid balance of purchase-money, to be payable with each instalment, and to be computed at the rate of five and a half per centum per annum; or
- (b.) On a system of deferred payments in the manner provided by section seventy-seven of the Land Act, 1924, save that interest on the balance of purchase-money for the time being unpaid shall be computed at the rate of five and a half per centum per annum; or
- (c.) On a system of deferred payments in accordance with the following scheme:—
- (i.) The purchaser shall forthwith at the time of sale pay a deposit of an amount to be fixed by the Land Board not exceeding five per centum of the price of the land, and shall thereupon be entitled to receive a license to occupy the land:

(ii.) The balance of the purchase-money, with interest thereon at a rate to be fixed by the Governor-General in Council, shall be payable by instalments extending over such period as the Land Board may determine, not exceeding thirty-six and a half years in any case :

(iii.) Such instalments shall be of equal amount, except the last in cases where an adjustment of the amount is necessary, and shall be paid half-yearly on dates to be fixed by the Land Board :

(iv.) Each instalment shall consist partly of purchase-money and partly of interest :

(v.) In addition to the prescribed half-yearly instalment the purchaser may, on making any such payment, pay any sum or sums not less than five pounds or a multiple of five pounds in reduction of the purchase-money :

(vi.) The half-yearly instalments of purchase-money and interest aforesaid shall be calculated and paid in accordance with an appropriate table to be prescribed in that behalf by the Governor-General in Council :

(vii.) Upon receipt of the final instalment the Commissioner shall certify to the Minister that the purchaser 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.

8. Where any land subject to this Act is disposed of by way of lease under the Land for Settlements Act the following special provisions shall apply, anything in that Act to the contrary notwithstanding :—

Special provisions
as to leases of land
subject to this Act.

- (a.) Applicants for allotments may be less than twenty-one years of age, but shall not be less than seventeen years of age.
- (b.) The capital value of any land subject to this Act that is intended to be disposed of by way of renewable lease shall be fixed in the manner prescribed by section six hereof with respect to the disposal by way of sale of any such land.
- (c.) Where a lessee of land subject to this Act elects, pursuant to the provisions in that behalf of the Land for Settlements Act, to acquire on deferred payments the fee-simple of the land comprised in his lease, interest on the amount of purchase-money for the time being unpaid shall be charged at the rate of five and a half per centum per annum.

Erection of Dwellings.

9. (1.) The Minister of Finance may in any year, without further appropriation than this Act, pay into the Advances Account from any fund or account having a balance available for investment such sum as may be required for the erection of dwellings on land subject to this Act, not exceeding in any year the sum of fifty thousand pounds.

Minister of Finance
may provide £50,000
in any year for
erection of dwellings
on land subject to
this Act.

(2.) Applications for advances under the State Advances Act, 1913, in respect of land subject to this Act shall, to the extent of the sums so specially paid into the Advances Account as aforesaid, be dealt with independently of any other applications under that Act, and payment in respect of approved applications shall, as and when required,

be made out of such moneys. The limit of an advance under this section shall be fixed as if such advance were intended for the erection of a dwelling, notwithstanding that a dwelling may have been already erected.

(3.) Save as provided in the foregoing provisions of this section, all the provisions of the State Advances Act, 1913, shall apply with respect to advances made as aforesaid.

Minister of Railways may erect dwellings on land subject to this Act.

10. (1.) The Minister of Railways may, in accordance with arrangements made with the State Advances Superintendent for advances in respect of the cost of erection, undertake the erection of dwellings on any land subject to this Act and disposed of or intended to be disposed of by way of sale under this Act.

(2.) Pending the payment by the Superintendent of an advance in respect of the erection of any dwelling under this section the cost of the erection may be charged to and paid out of the Working Railways Account.

Financial Provisions.

Hutt Valley Lands Settlement Account established.

11. (1.) All moneys derived from the sale, lease, or other disposal of lands subject to this Act shall be paid by the Receiver of Land Revenue into the Public Account to the credit of a separate account to be called the Hutt Valley Lands Settlement Account.

(2.) Any moneys in the Hutt Valley Lands Settlement Account may, without further appropriation than this section, be applied in manner following:—

- (a.) Firstly, in payment to the Land for Settlements Account, or other appropriate account, of purchase-moneys expended out of any such account for the acquisition of land subject to this Act or in respect of the preparation of that land for disposal under this Act.
- (b.) Secondly, in payment to the Land for Settlements Account or other account as aforesaid of interest on such purchase-moneys computed at the rate of five per centum per annum as from the date of the acquisition of the land by the Crown.
- (c.) Thirdly, in payment to the Consolidated Fund of such amount in respect of the cost of administration of lands subject to this Act as the Minister may determine.
- (d.) Fourthly, in payment into the Working Railways Account of interest computed at the rate of five per centum per annum on the capital amount expended in respect of the construction of a railway-line from Petone to Waterloo Road.
- (e.) Fifthly, in repayment to the Public Works Fund of the capital moneys expended in the construction of the railway-line referred to in the last preceding paragraph.
- (f.) Sixthly, in payment to the Working Railways Account of any balances not required for any of the aforesaid purposes.

Miscellaneous Provisions.

Rebate of interest not allowed.

12. No rebate shall be granted in respect of any interest payable pursuant to any of the foregoing provisions of this Act, or in respect of any rent payable in terms of any lease of land subject to this Act.

13. The provisions of the Land for Settlements Act as to the acquisition (whether by way of purchase or lease) by any person, or by the wife or husband of any person, of more than one allotment of settlement land, or of land which was at any time settlement land, shall have no application to land subject to the provisions of this Act; but it shall not be lawful for any person, or for the wife or husband of any person, to acquire more than one allotment of land subject to this Act under the special provisions set out in paragraph (c) of section seven hereof.

Exclusion of certain provisions of Land for Settlements Act.

14. Except on the recommendation of the Land Board, and with the approval of the Minister, it shall not be lawful for any lessee or licensee of land subject to the provisions of this Act to transfer his interest in such land before the expiration of ten years from the date of the original disposal of that land under this Act.

Restriction on transfer of land subject to this Act.

15. The Governor-General may from time to time, by Order in Council, make regulations, not inconsistent with this Act, for any purpose in relation to this Act for which regulations are contemplated or required.

Regulations.