



ANALYSIS

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1956, No. 42

An Act to amend the Land Act 1948

[25 October 1956]

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

1. Short Title—This Act may be cited as the Land Amendment Act 1956, and shall be read together with and deemed part of the Land Act 1948 (hereinafter referred to as the principal Act).

2. Rent and interest under leases and licences—(1) The principal Act is hereby amended as follows:

(a) By omitting from subsection three of section sixty-three the words “four and one-half per centum”, and substituting the words “such proportion as may be fixed by the Governor-General, by Order in Council”:

- (b) By omitting from subsection three of section sixty-five the words “the rate of four and five-eighths per centum per annum”, and substituting the words “such rate as may be fixed by the Governor-General, by Order in Council”:
 - (c) By omitting from subsection three of section eighty-eight the words “four and one-half per centum”, and substituting the words “such proportion as may be fixed by the Governor-General, by Order in Council,”:
 - (d) By omitting from paragraph (b) of subsection three of section one hundred and thirty-one the words “the rate of four and one-half per centum per annum”, and substituting the words “such rate as may be fixed by the Governor-General, by Order in Council,”:
 - (e) By omitting from subsection five of section one hundred and thirty-one the words “four and one-half per centum”, and substituting the words “such proportion as may be fixed by the Governor-General, by Order in Council,”.
- (2) Section eighty-five of the principal Act is hereby amended as follows:
- (a) By omitting from subsection one the word “one-tenth”, and substituting the words “such proportion as may be fixed by the Governor-General, by Order in Council,”:
 - (b) By omitting from subsection two the word “one-tenth”, and substituting the words “such proportion as may be fixed by the Governor-General, by Order in Council,”:
 - (c) By omitting from subsection three the words “the rate of four and one-eighth per centum per annum”, and substituting the words “such rate as may be fixed by the Governor-General, by Order in Council,”.
- (3) The first Order in Council made after the commencement of this section fixing any rates or proportions for the purposes of any of the enactments amended by subsections one and two of this section shall be deemed to have had effect as from the seventh day of June, nineteen hundred and fifty-six.

(4) Notwithstanding anything in subsections one, two, and three of this section, the provisions of the principal Act shall continue to apply, as if this section had not been passed,—

- (a) To every lease or licence granted before the seventh day of June, nineteen hundred and fifty-six, during the term thereof that was current on that date:
- (b) To every lease or licence granted after the seventh day of June, nineteen hundred and fifty-six, during the term or first term thereof, as the case may be, where at any time before that date any officer of the Department had committed the Crown to the granting of a lease or licence at the rates in force before that date.

(5) The decision of the Land Settlement Board as to whether or not any lease or licence is one to which subsection four of this section applies shall be final.

(6) This section shall be deemed to have come into force on the seventh day of June, nineteen hundred and fifty-six.

3. Purchase of interests in Maori land—Section forty of the principal Act is hereby amended by inserting in subsection five, after the words “private land”, the words “and all interests in Maori land”.

4. Creation of easements—(1) Section sixty of the principal Act is hereby amended by repealing subsections one and two, and substituting the following subsection:

“(1) The Board may from time to time grant or reserve any right of way, water rights, or other easements over or under any Crown land:

“Provided that where that Crown land is held under lease or licence the lessee or licensee shall be entitled to compensation for any reduction in the value of his lease or licence by reason of the grant of any such easement.”

(2) Section sixty of the principal Act is hereby further amended as follows:

- (a) By omitting from subsection three the words “either of the last two preceding subsections”, and substituting the words “this section”:
- (b) By omitting from subsection four the words “subsection two of”:
- (c) By omitting from subsection five (as added by section seven of the Land Amendment Act 1950) the words “subsection two of”.

5. Payment of interest under deferred payment licences—Section sixty-five of the principal Act is hereby amended by repealing subsection six, and substituting the following subsection:

“(6) On the thirtieth day of June or the thirty-first day of December, as the case may be, next following the date of the licence there shall be paid by the licensee interest on the balance of the purchase money at the rate prescribed by or under subsection three of this section from the date of the licence to the date of the commencement of the term thereof.”

6. Payment of value of improvements effected by licensee under short term licence—Section sixty-eight of the principal Act is hereby amended by adding to subsection three the following proviso:

“Provided that, if the land comprised in the licence or any part thereof is again alienated under this Act to some person other than the outgoing licensee weighted with the value as determined by the Board of all or some of the improvements existing at the time of the alienation on the land so alienated and effected or purchased by the outgoing licensee, there shall be paid to the outgoing licensee the whole or such part (if any) as the Board in its discretion decides of any money received by the Department in respect of the value of those improvements. Every such determination by the Board shall be final and be binding on the outgoing licensee.”

7. Consent to mortgage not required where land does not exceed five acres—Section eighty-nine of the principal Act is hereby amended by adding to subsection one the following proviso:

“Provided that the consent of the Board shall not be required to any such mortgage where the land comprised in the lease or licence does not exceed five acres.”

8. Consent of Commissioner not required to use of timber purchased by lessee or licensee—Section one hundred of the principal Act is hereby amended by inserting in the proviso, after the word “planted”, the words “or purchased”.

9. Rates payable under temporary tenancies—Section one hundred and twelve of the principal Act is hereby amended as follows:

- (a) By inserting in subsection one, after the words “this Act”, the words “or a lease or licence is granted under section forty-eight of this Act, in either case”:
- (b) By omitting from subsection one, the words “the licensee” wherever they occur, and substituting in each case the words “the lessee or licensee”:
- (c) By omitting from subsection one the words “his licence”, and substituting the words “his lease or licence”:
- (d) By omitting from subsection two the words “such licence”, and substituting the words “such lease or licence”.

10. Repeal—The First Schedule to the principal Act is hereby amended by inserting, after the reference to the Discharged Soldiers Settlement Amendment Act 1919, the following words:

“1920, No. 43—

The Land Laws Amendment Act 1920.”
