



ANALYSIS

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1979, No. 57

An Act to amend the Land Act 1948

[30 November 1979]

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 1979, and shall be read together with and deemed part of the Land Act 1948 (hereinafter referred to as the principal Act).

2. Classification of Crown land—Section 51 (1) of the principal Act is hereby amended by repealing paragraph (d), and substituting the following paragraph:

“(d) Pastoral land, being land that is suitable or adaptable primarily for pastoral purposes only.”

3. New sections substituted—The principal Act is hereby amended by repealing section 66 (as amended by section 3 of the Land Amendment Act 1970), and substituting the following sections:

“66. **Pastoral leases**—(1) The Board may from time to time, in accordance with this section, grant leases of pastoral land.

“(2) A pastoral lease shall entitle the holder to the exclusive right of pasturage over the land comprised in the lease, and a perpetual right of renewal for terms of 33 years, but shall give him no right to the soil, and no right to acquire the fee simple.

“(3) A pastoral lease may be granted subject to such restrictions as to the numbers of stock to be carried on the land comprised in the lease as the Board determines.

“(4) The term of every pastoral lease shall commence—

“(a) Where the land concerned is held under lease or licence at the time of disposal, on the determination of that lease or licence; and

“(b) Where the land is not so held, on the date of disposal;—

and shall continue until the expiration of 33 years from the 1st day of January or July (whichever is the sooner) next following that determination or disposal.

“(5) The yearly rent payable under a pastoral lease granted on or after the commencement of the Land Amendment Act 1979 shall, in respect of the period between the commencement of the term of the lease and the expiration of 11 years from the 1st day of January or July (whichever is the sooner) next following that commencement, be $2\frac{1}{4}$ percent of the rental value of the land comprised in the lease, as determined by the Board at the time of its granting.

“(6) The yearly rent payable upon the renewal of a pastoral lease where the land comprised in the lease has been reclassified under section 51 (3) of this Act as farm land, urban land, or commercial or industrial land, shall be calculated in the same manner as for the renewal of a renewable lease; and Part VIII of this Act, so far as it is applicable and with the necessary modifications, shall apply to the yearly rent payable in respect of that land accordingly.

“(7) Subject to subsection (6) of this section, the yearly rent payable under—

“(a) A pastoral lease granted on or after the commencement of the Land Amendment Act 1979 for every period of 11 years after the period specified in subsection (5) of this section (including any renewal); and

“(b) A pastoral lease granted before the commencement of the Land Amendment Act 1979 for every period of 11 years after the expiration of its first term— shall be calculated in the same manner—

“(c) As for the renewal of a renewable lease; and

“(d) As if every reference in Part VIII of this Act to the proportion of $4\frac{1}{2}$ percent were—

“(i) In the case of any of the first 11 years of the first renewal of a pastoral lease granted before the commencement of the Land Amendment Act 1979, a reference to the proportion of $1\frac{1}{2}$ percent; and

“(ii) In every other case, a reference to the proportion of $2\frac{1}{4}$ percent;—

and Part VIII of this Act, so far as it is applicable and with the necessary modifications, shall apply to the calculation of that yearly rent accordingly:

“Provided that the rental value of the land ascertained under section 131 of this Act shall not include any potential value that the land may have for subdivision for building purposes or for commercial or industrial use.

“(8) The holder of a pastoral lease granted before the commencement of the Land Amendment Act 1979, (not being a pastoral lease in respect of which, under subsection (6) of this section, the holder is required to pay rent calculated as if that pastoral lease were a renewable lease) shall not be entitled to any rebate in respect of the payment of any amount of rent falling due during the first 11 years of the first renewal of that lease.

“66AA. Pastoral occupation licences—(1) The Board may from time to time, in accordance with this section, grant licences to occupy pastoral land.

“(2) A pastoral occupation licence shall entitle the holder to the exclusive right of pasturage over the land comprised in that licence, but shall give him no right to the soil, no right to the fee simple, and no right of renewal.

“(3) A pastoral occupation licence may be granted subject to such restrictions as to the numbers of stock to be carried on the land comprised in it, and to the payment of such rent, as the Board determines.

“(4) The term of every pastoral occupation licence shall commence—

“(a) Where the land concerned is held under lease or licence at the time of disposal, on the determination of that lease or licence; and

“(b) Where the land is not so held, on the date of disposal,—

and shall continue until the expiration of such period (not exceeding 21 years) from the 1st day of January or July (whichever is the sooner) next following that determination or disposal as the Board decides.”

4. Saving—Notwithstanding section 66 of the principal Act (as substituted by section 3 of this Act), in the case of a pastoral lease granted before the commencement of this Act, the rent payable under that lease before its first renewal shall be calculated, and the basis upon which that rent is calculated shall be ascertained, as if this Act had not been passed.

5. Consequential amendments—(1) Section 2 of the principal Act is hereby consequentially amended by inserting, in their appropriate alphabetical order, the following definitions:

“ ‘Pastoral land’ means Crown land that is for the time being so classified by the Board under section 51 of this Act:

“ ‘Pastoral lease’ means a lease of pastoral land, granted under section 66 of this Act:

“ ‘Pastoral occupation licence’ means a licence to occupy pastoral land, granted under section 66AA of this Act:”.

(2) Section 85 (1) of the principal Act is hereby consequentially amended by omitting the words “A holder”, and substituting the words “Subject to section 66 (8) of this Act, a holder”.

6. Repeal—Section 3 of the Land Amendment Act 1970 is hereby consequentially repealed.