

New Zealand.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Section 54 of principal Act retroactive.</p> <p>3. Extension of Minister's powers.</p> <p>4. Payments out of Land for Settlements Account.</p> <p>5. Further procedure on compulsory taking of land.</p> <p>6. Preventing evasion of the Act.</p> <p>7. Land may be purchased at auction.</p> | <p>8. Classification of lands. Application to state class required. Applicants to be reduced by ballot to number of sections available. Second ballot to be taken.</p> <p>9. Residence necessary.</p> <p>10. Transfer of lease prohibited.</p> <p>11. Lease may be surrendered.</p> <p>12. Regulations.</p> <p>13. Certain Acts modified if inconsistent with this Act.</p> |
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1901, No. 9.

AN ACT to amend "The Land for Settlements Consolidation Act, 1900." Title.
[24th August, 1901.]

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

1. The Short Title of this Act is "The Land for Settlements Amendment Act, 1901"; and it shall form part of and be read together with "The Land for Settlements Consolidation Act, 1900" (hereinafter called "the principal Act"). Short Title.

2. In any case where, prior to the commencement of "The Land for Settlements Act Amendment Act, 1896," land has been leased at a rental computed on the capital value of the land *plus* buildings, the lessee may, with the consent of the Minister, surrender his outstanding lease and obtain in lieu thereof a fresh lease under section fifty-four of the principal Act, and the rental and other payments under such new lease shall be computed in like manner as if the land was being disposed of by way of lease under that section. Section 54 of principal Act retroactive.

3. The powers conferred upon the Minister by section sixty-five of the principal Act shall be deemed to include the power to construct, or to join with any person or local authority or with the Crown in constructing, roads, bridges, drainage-works and river-protection works, and such other works upon or in respect of land acquired under the principal Act as the Minister thinks expedient in order to facilitate the proper settlement of the land or to protect it from injury from floods, river-encroachment, or otherwise, or to agree with any local authority for the construction by such local Extension of Minister's powers.

authority of any such works-upon such terms and conditions as the Minister thinks fit, and the provisions of that section shall extend and apply accordingly.

Payments out of
Land for Settle-
ments Account.

4. The expenses incident to the administration of the principal Act and this Act (including the expenses incurred by the Minister in advertising lands for disposal) shall be payable out of the Land for Settlements Account, and, except where otherwise specially provided, shall be so payable without further appropriation than this Act.

Further procedure
on compulsory
taking of land.

5. (1.) In any proceedings under section fifteen of the principal Act for the compulsory taking of land the claimant shall, not later than twenty-one days after service of the claim for compensation, file in the office of the Supreme Court in the district within which the land proposed to be taken is situate, or, if there are more than one such offices, then in the office nearest to the land,—

(a.) A copy of the claim ; and

(b.) A notice stating the name and address of the person he appoints to act as his Assessor ; and shall serve a copy of such notice on the Minister.

(2.) Within twenty-one days after receiving the notice of the appointment of the claimant's Assessor the Minister shall also file in the office of the said Court a notice stating the name and address of the person he appoints to act as his Assessor, and shall serve a copy of such notice on the claimant.

(3.) If the claimant makes default in making or serving his claim, or if the claimant or the Minister makes default in appointing an Assessor, or in doing any other act, matter, or thing by the principal Act or by this Act required or directed to be done, then, on summary application in that behalf by the party not in default, the Chief Justice may, on such terms as to costs and otherwise as he thinks fit, appoint an Assessor, or give such directions and make such orders as in his opinion are necessary or expedient to enable the claim to be heard and determined by the Compensation Court, and, if the default consists of not making or serving the claim, to enable the order referred to in subsection one of section twenty-two of the principal Act to be made and acted upon in the absence of the claim as fully and effectually as if the claim were properly before the Court.

(4.) In applying the provisions of section forty of "The Public Works Act, 1894," it shall not be necessary for the Minister to offer the amount of compensation in the matter..

Preventing evasion
of the Act.

6. (1.) In order to prevent any evasion or avoidance of the provisions of the principal Act as to the right of the owner to select and retain any limited part of any estate intended to be acquired under that Act, it is hereby declared that the area of the whole estate shall be computed as at the commencement of the negotiations for the purchase under the said Act, and no subsequent disposition of the estate, or any part thereof, shall operate to defeat the power of the Governor to acquire the land under that Act.

(2.) The date at which negotiations for the purchase shall be deemed to commence shall be the date upon which notice was given under the hand of the Land Purchase Inspector or other

person duly authorised in that behalf intimating to the owner that the Governor had decided to acquire the land.

(3.) If the Governor does not proceed with the purchase, and the land is not acquired by him within twelve months after the date of the notice mentioned in the last preceding subsection, then the restriction on the disposition of the land under that subsection shall cease to have effect.

7. Where the Board has recommended the acquisition of any land, it shall be lawful for the Minister, or any person appointed by him in that behalf, to purchase that land for the purposes of the principal Act at any auction sale :

Land may be purchased at auction.

Provided that the purchase-money shall not in any case exceed the amount recommended by the Board.

8. (1.) Whenever rural land acquired under the principal Act is cut up for occupation, the allotments shall be grouped according as they are suitable for ordinary farms, or dairy farms, or small grazing-runs, or partly for farms and partly for grazing-runs, and such groups may, in the discretion of the Land Board, be further subdivided for the purpose of the ballot, consideration being had to the area, quality, value, and position of the land in the respective allotments, or other special circumstances affecting the same, so as to meet the requirements of all classes of applicants.

Classification of lands.

(2.) Every applicant shall state in his application the group or subdivision to which it applies.

Application to state class required.

(3.) The Land Board shall make inquiry, as provided by the principal Act, as to each applicant's *bona fides* and suitability.

(4.) In the event of there being more approved applicants for any group or subdivision than there are allotments available, the Land Board shall, by ballot, reduce the number of such applicants to the number of allotments available.

Applicants to be reduced by ballot to number of sections available.

(5.) A second ballot shall then be taken in each such group or subdivision as follows:—

Second ballot to be taken.

The name of each candidate shall be placed separately in one box, and the number of each allotment shall be placed separately in another box, and lot shall be drawn from both boxes simultaneously; and the allotment whose number is so drawn shall go to the applicant whose name is simultaneously drawn, and he shall be deemed to be the successful applicant for that allotment.

(6.) The Land Board may, whenever it thinks fit, apply the provisions of this section, *mutatis mutandis*, to any class of land other than rural land.

9. Every applicant who obtains an allotment under this Act shall reside continuously thereon.

Residence necessary.

10. It shall not be lawful for a lessee under this Act to transfer the land comprised in the lease within the period of five years from the date of such lease :

Transfer of lease prohibited.

Provided that, on the death of a lessee or on the happening of any extraordinary event which in the opinion of the Land Board of the district in which the land is situated renders a transfer necessary or expedient, a transfer of the lease may, with the sanction of the Land Board and the Minister of Lands, be made.

Lease may be
surrendered.

11. The Land Board of the district in which the land is situated may, at any time after two years from the date of any lease, and with the consent of the Minister, accept a surrender of the lease on the condition that the value of the improvements made by the lessee shall be paid to such lessee by the incoming lessee, the value of such improvements being previously ascertained and determined by the Board, whose decision shall be final.

Regulations.

12. (1.) The Governor may from time to time make regulations prescribing the procedure and forms to be used in making and disposing of claims for compensation in respect of the compulsory taking of land under the principal Act.

(2.) All regulations heretofore made, or purporting to be made, under the principal Act shall be deemed to be as valid as if they had been made under this Act.

Certain Acts
modified if incon-
sistent with this
Act

13. The provisions of the Land Act and the principal Act are hereby modified in so far as they are inconsistent with this Act, and the provisions of "The Public Works Act, 1894," relating to the assessment of compensation are hereby modified in so far as they are inconsistent with the principal Act and this Act.