

New Zealand.



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1896, No. 36.

AN ACT to amend the Law relating to the Acquisition of Private Lands for Purposes of Settlement. Title.
[16th October, 1896.]

WHEREAS, under the provisions of "The Land for Settlements Act, 1894," highly improved lands are in many cases acquired, and it is expedient to make special provisions as to the disposal thereof: And whereas it is also expedient to afford greater facilities for the acquisition and disposal of lands suitable for homes for workmen, and to otherwise amend that Act: Preamble.

BE IT THEREFORE 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 Act Amendment Act, 1896," and it shall form part of and be read together with "The Land for Settlements Act, 1894" (hereinafter called "the principal Act"). Short Title.

2. For the purposes of the disposal of lands acquired under the principal Act, the following special provisions shall apply, that is to say,— Special provisions as to disposal of lands acquired.

(1.) The block of land to be disposed of shall in each case be divided into such allotments as the Minister determines: Provided that no allotment shall exceed the area prescribed by "The Land Act, 1892" (hereinafter called "the Land Act").

(2.) The allotments shall be numbered, and, where ballot is re-

quired, shall be balloted for in accordance with the Land Act.

- (3.) Applicants for allotments must be not less than twenty-one years of age.
- (4.) Irrespective of the limitation of area prescribed by the Land Act, an application may comprise more allotments than one, but no applicant shall be entitled to obtain more than one allotment.
- (5.) If there is only one applicant for any allotment, such applicant shall obtain that allotment (subject to the provisions of clause four), and thereupon his application in respect of all other allotments whatsoever shall be void.
- (6.) In the event of any person being the only applicant for more than one allotment, such applicant shall be entitled to select any one of such allotments (subject to the provisions of clause four), and thereupon his application shall be void as to all other allotments; and such applicant shall declare his election before the commencement of the ballot.
- (7.) If a person is one of several applicants for more than one allotment, then (subject to the provisions of the last-preceding subsection hereof) he shall be entitled to the allotment for which he is first successful in the ballot, and thereupon his application in respect of the other allotments shall be void.
- (8.) Applicants who are landless shall have preference over those who are not, and the decision of the Land Board by which the land is being disposed of (hereinafter called "the Board"), as to who of the applicants are landless and who are not, shall be final and conclusive.
- (9.) An applicant for town or suburban land shall be deemed to be landless if he does not at the time of his application already hold, under any tenure, such area of town or suburban land as, in the opinion of the Board, is sufficient for a home for himself and his family.
- (10.) An applicant for rural land shall be deemed to be landless unless at the time of his application he already holds, under any tenure, such area of rural land as, in the opinion of the Board, is sufficient for the maintenance of himself and his family.
- (11.) In the case of the husband or wife, if either of them is not landless, neither of them shall be deemed to be landless.

3. Every applicant shall state in his application whether he is landless or not, within the meaning of the last-preceding section hereof, and also, in the case of applicants for rural land, the means he possesses for stocking and cultivating the land, and erecting suitable buildings thereon.

4. Before taking the ballot, or otherwise dealing with the applications, the Board—

- (1.) Shall ascertain and determine who of the applicants are landless and who are not; and also

Particulars to be stated in application.

Board may call on applicant to give evidence before it.

(2.) May call on any applicant to appear and give evidence as to his compliance with the foregoing provisions of this Act, and also as to his general ability to properly cultivate the land and fulfil the conditions of the lease.

5. If any such applicant fails to satisfy the Board on any material point, the Board may by resolution reject his application, and in such case the rejection shall be final and the application shall be deemed to be void. Board may reject application.

6. (1.) Every application shall be accompanied by a deposit of one half-year's rent of the land applied for, together with the sum of one guinea to defray the cost of the lease. Deposit of half-year's rent.

Provided that where the application comprises more allotments than one, it shall be sufficient if the deposit is equal to the half-year's rent of the allotment whose rent is the highest.

(2.) If the applicant is successful in obtaining an allotment, such deposit, or a sufficient portion thereof, shall be retained as the first half-year's rent thereon in advance, computed from the first of January or July, as the case may be, first following the date of the application, and the residue shall be returned to the applicant. Disposal thereof.

(3.) If the applicant is unsuccessful, or if the application is rejected, such deposit shall be returned.

7. In every case where buildings are situate on the land at the time when it is to be disposed of, then, notwithstanding anything to the contrary contained in sections four to seven of "The Land for Settlements Amendment Act, 1895," or in any other section of that Act or this Act, the following special provisions shall apply:— Special provisions where buildings situate on land.

(1.) The Minister shall cause the buildings to be valued separately from the land, and the rental prescribed by section three of the principal Act shall be computed on the capital value of the land apart from the buildings.

(2.) The value of the buildings, ascertained as aforesaid, shall, together with interest thereon at the rate of five per centum per annum, be paid by the tenant by equal half-yearly instalments in advance, extending over such period, being not less than seven nor more than twenty-one years, as, subject to the approval of the Minister, the Board in each case thinks fit to determine.

(3.) Subject to the approval of the Minister, the Board may, if it thinks fit, postpone the commencement of such period, and the payment of the first half-yearly instalment as aforesaid, until the expiration of the second year of the term of the lease; and in such case the tenant shall in the meantime pay interest on the value of the buildings at the rate aforesaid by equal half-yearly instalments in advance.

(4.) The lease shall contain such provisions for insurance and otherwise as the Minister prescribes.

8. With respect to land at any time acquired under the principal Act the following provisions shall apply:— Mode of dealing with land.

(1.) Pending the disposal of any such land, the Minister may deal therewith and carry on operations thereon in such manner in all respects as he deems expedient for the

purpose of preparing it for settlement and disposing of it most advantageously :

Provided that the powers by this subsection conferred upon the Minister shall not be exercised in respect of any block of land for a longer period than one year, or such additional period, not exceeding an additional year, as, having regard to the special circumstances of any particular case, the Governor in Council authorises.

As to lands containing coal, lime, and valuable stone.

- (2.) If any such land contains deposits of coal, lime, or valuable stone, the Minister may deal with and dispose of such land (otherwise than by sale) and do such things in such manner and on such terms and conditions as, subject to regulations, he deems expedient for the purpose of most advantageously developing and utilising such deposits, anything in section thirty-two of the principal Act to the contrary notwithstanding.
- (3.) All moneys expended by the Minister under this section shall be paid out of the Land for Settlements Account, and all moneys received by him under this section shall be paid into that account.
- (4.) The difference between the moneys so expended and received in respect of any land, or of the deposits therein, shall be taken into account in computing the total capital value of such land, and the rental shall be fixed accordingly.

Restriction on dealing with lease.

9. Except on the recommendation of the Board and with the approval of the Minister, it shall not be lawful for any lessee to transfer, sublet, or in any way part with, mortgage, or charge his lease, or any portion of his interest therein, until the expiration of the fifth year of the term of the lease :

Provided that any lease may at any time be surrendered on such conditions as the Board recommends and the Minister approves.

Tenant in occupation at purchase may obtain lease.

10. (1.) In any case where land acquired under the principal Act is at the time of acquisition in the *bona fide* occupation of a tenant, then, subject to the prior rights created by sections four to seven of "The Land for Settlements Amendment Act, 1895," such tenant may, in the manner and subject to the conditions prescribed by those sections, obtain a lease in perpetuity of any area of such land not exceeding in all six hundred and forty acres, and the provisions of those sections shall, *mutatis mutandis*, apply accordingly.

(2.) In any such case the provisions of section seven hereof shall apply to such lease.

Homestead-sites or low-lying lands may be added to existing leases.

11. In any case where low-lying land or land suitable for a homestead-site is acquired under the principal Act, the following special provisions shall apply, anything in that Act or the Land Act to the contrary notwithstanding :—

- (1.) Such land may, with the approval of the Board, be disposed of to the lessee or licensee of any neighbouring high-lying or high pastoral land, and on the same tenure, save that the rent shall be fixed in manner prescribed by the principal Act, and that the term shall be deemed to expire contemporaneously with the expiration or sooner determination of the lease or license of such neighbouring land.

(2.) Upon such expiration of the term of the lease or license of the homestead-site or low-lying land, the outgoing tenant thereunder shall be entitled to valuation for improvements to the extent and in manner prescribed by sections seventy-two to seventy-seven of the Land Act.

(3.) The conditions of the Land Act relating to limitation of area shall not apply to any such lease or license, and for the purposes of the conditions of that Act relating to residence and improvements the homestead-site or low-lying land shall be deemed to be comprised in the lease or license of the neighbouring high-lying or high pastoral land.

12. (1.) The Governor in Council may make regulations to authorise advances to be made out of the Land for Settlements Account to successful applicants for the allotments in aid of the cost of fencing and planting the same and building dwelling-houses thereon :

Regulations as to advances.

Provided that in no case shall the total advance to any one such applicant exceed twenty pounds, nor shall any advance exceed pound for pound of the sum expended by him in fencing, planting, and building as aforesaid.

(2.) All such advances, together with interest thereon at the rate of five per centum per annum, shall be repayable by equal half-yearly instalments extending over such period, not exceeding ten years, as, subject to regulations, the Minister thinks fit to prescribe.

When repayable.

13. With respect to allotments disposed of for workmen's homes, the following special provisions shall apply :—

Special provisions as to workmen's homes.

(1.) The area of each allotment shall in no case exceed three acres.

(2.) The application shall be made in such form and shall contain such particulars as are prescribed by regulations.

(3.) The lease shall contain such special provisions for insurance and otherwise as, subject to regulations, the Minister thinks fit to prescribe.

(4.) Such regulations may also prescribe,—

(a.) The mode in which applications shall be dealt with by the Board; and also

(b.) The qualifications to be possessed and the conditions to be fulfilled by each applicant, failing which the application shall be void.

(5.) Such regulations shall be in addition to the general provisions hereinbefore contained as to the disposal of lands acquired under the principal Act, all which provisions shall, *mutatis mutandis*, apply in the case of allotments for workmen's houses.

14. (1.) Notwithstanding anything to the contrary contained in section thirty-two or any other section of the principal Act, it shall be lawful for the Minister, out of any lands acquired under the principal Act, to reserve from time to time such blocks as he thinks fit, and to use the same for the purposes of State or experimental farms, under such conditions as, subject to regulations, he thinks fit :

Portions of land acquired may be used for State or experimental farms.

Provided that in every such case, and so long as any block is so reserved, there shall be payable in respect thereof the same rent and other payments in all respects as if the block had been disposed of to private persons.

(2.) All such rent and other payments shall be paid out of moneys appropriated by Parliament, and shall be credited to the Land for Settlements Account.

Lands acquired
under principal Act
exempt from certain
conditions.

15. Section one hundred and ten of "The Land Act, 1892," shall not apply to lands heretofore or hereafter acquired under the principal Act.

Regulations.

16. The Governor may from time to time make regulations for any purpose for which they are contemplated by this Act, or for any purpose which he deems necessary in order to give full effect to this Act.

Provisions repealed
or modified.

17. All such provisions of the principal Act, or the Land Act, as are in any way in conflict with any of the provisions of this Act are hereby repealed or modified in so far as such conflict exists, but not further or otherwise.