

New Zealand.



ANALYSIS.

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1918, No. 21.

AN ACT to amend the Law relating to Crown and other Lands. Title.
[10th December, 1918.]

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

1. This Act may be cited as the Land Laws Amendment Act, 1918. Short Title.
2. In this Act the expression "the principal Act" means the Land Act, 1908. Interpretation.
3. (1.) Subsection one of section forty-seven of the principal Act as amended by section eight of the Land Laws Amendment Act, 1912, is hereby amended by omitting the word "fifteen," and substituting the word "twenty." Section 47 of principal Act amended.
- (2.) Section eight of the Land Laws Amendment Act, 1912, is hereby repealed. Repeal.
4. The provisions of section fifty-three of the Land Laws Amendment Act, 1913 (fixing the age-limit of grantees of pastoral leases or licenses under Part VI of the Land Act, 1908), shall not apply in the case of persons engaged on military service beyond New Zealand in connection with the present war, or in the case of persons who may have been discharged from such service. Age-limit for soldiers.
5. Whereas it is proposed by Order in Council made under the authority of section three of the Land Laws Amendment Act, 1914, to abolish the Auckland Land District, and to constitute in lieu thereof two new land districts: Be it therefore enacted as follows:— Auckland Land District abolished, and two new land districts constituted.

(1.) The Governor-General shall, by Order in Council, establish a Principal Land Office for each of the said new land districts, and any such Principal Land Office may be either within or outside of the land district for which it is established, and all the relative provisions of the Land Act, 1908, shall apply to any Principal Land Office established outside the land district as if it were situated within the land district.

(2.) The Auckland Land District shall be abolished and the Auckland Land Board dissolved on the day on which any Order in Council made as aforesaid comes into force.

(3.) All officers holding positions in the Auckland Land District on the coming into force of such Order in Council shall for the time being hold corresponding positions in the land district comprising the southern portion of the Auckland Land District.

Section 182 of Land Act, 1892, and section 218 of Land Act, 1908 (relative to renewal of leases of small grazing-runs), interpreted.

6. Whereas by section one hundred and eighty-two of the Land Act, 1892 (relative to the renewal of leases of small grazing-runs under that Act), provision is made whereby a lessee is entitled, on the termination of his lease, to obtain a new lease of the lands comprised therein at a rental equal to not less than two and a half per centum of the value of the fee-simple, less the value of improvements, as determined by a valuation to be made in pursuance of that section (such value being hereinafter in this section referred to as the unimproved value): And whereas by section two hundred and eighteen of the Land Act, 1908, the same provision is made with respect to the renewal of leases of small grazing-runs under that Act: And whereas the effect of the said sections has recently been judicially determined in certain proceedings instituted in the Supreme Court by the Honourable Hugh St. Leger against His Majesty's Attorney-General relative to the renewal of a lease of the small grazing-run No. 35 in the Hawke's Bay Land District: And whereas the effect of the said sections as so determined is contrary to the true intent of the Legislature and to the public interest: Be it therefore enacted as follows:—

(1.) It is hereby declared that by virtue of section one hundred and eighty-two of the Land Act, 1892, and by virtue of section two hundred and eighteen of the Land Act, 1908, the Land Board, on offering a renewed lease of a small grazing-run, has and at all times since the commencement of each of those Acts respectively has had the exclusive power and right (subject to the provisions of those sections as to arbitration) to determine the proportion which the annual rent under the new lease shall bear to the unimproved value of the land comprised in that lease, such proportion being in no case less than two and a half per centum of that value.

(2.) It is hereby further declared that the term "valuations" where last appearing in section one hundred and eighty-two of the Land Act, 1892, and in section two hundred and eighteen of the Land Act, 1908, includes and at all times since the commencement of each of those Acts respectively has included not only the valuations of the land and of the improvements thereon as provided by those sections, but also the determination by the Land Board of the proportion hereinbefore referred to.

(3.) Nothing in this section shall affect the judicial determination hereinbefore recited in its application to the renewal of the lease in respect of which the hereinbefore-recited proceedings were instituted.

7. (1.) Section twenty-eight of the Land Laws Amendment Act, 1912 (relative to the subdivision of small grazing-runs), shall apply to leases of small grazing-runs granted under the Land Act, 1892, in the same manner in all respects as it applies to leases of small grazing-runs granted under the Land Act, 1908.

Section 28 of Land Laws Amendment Act, 1912 (relative to subdivision of small grazing-runs), extended to small grazing-runs under the Land Act, 1892.

(2.) For the purposes of this section the references in the said section twenty-eight to section two hundred and eighteen of the Land Act, 1908, shall be read and construed as references to section one hundred and eighty-two of the Land Act, 1892.

8. Subsection seven of section sixty-five of the Land Laws Amendment Act, 1913, is hereby repealed, and the following subsection is substituted therefor:—

Repeal.

“(7.) Compensation shall be paid by the Crown for all land so taken in the following manner:—

Compensation.

“(a.) In the case of land acquired by purchase the compensation shall not exceed the capital value as recorded in the district valuation roll at the time of its acquisition by the purchaser, plus the sum of ten per centum on the said capital value; or if the land acquired in aggregation is part only of an estate and no separate value of it has been recorded as aforesaid, then the compensation shall be the value of the land assessed in the same manner as provided in section twenty-nine of the Land for Settlements Act, 1908.

“(b.) In the case of land acquired otherwise than by purchase the compensation shall not exceed the sum at which the land was assessed for the purposes of stamp duty.”