

LAND SUBDIVISION ACT, 1951 No. 11



ANALYSIS

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1958, No. 74

An Act to amend the Land Subdivision in Counties Act 1946

[2 October 1958]

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 Subdivision in Counties Amendment Act 1958, and shall be read together with and deemed part of the Land Subdivision in Counties Act 1946 (hereinafter referred to as the principal Act).

2. When land subdivided—(1) Section two of the principal Act is hereby amended by omitting from the definition of the term “sale” in subsection one the words “three years”, and substituting the words “fourteen years”.

(2) Section two of the principal Act is hereby further amended by inserting, after subsection two, the following subsection:

“(2A) Notwithstanding anything in this Act, land shall not be deemed to be subdivided for the purposes of this Act by reason solely of the fact that the owner grants a lease of any part of a building existing on the land, or which will exist on the land, at the commencement of the lease.”

3. Conditional agreements for sale before scheme plan approved—(1) Section three of the principal Act is hereby amended by inserting, after subsection two, the following subsections:

“(2A) Nothing in this section shall be deemed to render any agreement to sell any land illegal or void by reason only that it is entered into before a scheme plan has been approved under this section, but the agreement shall be deemed to be made subject to a condition that approval of a scheme plan of the subdivision will be obtained under this section.

“(2B) A contravention of any provision of this section shall not invalidate or be deemed to have invalidated any instrument intended to affect or evidence the title to any land.”

(2) The provisions of this section shall apply and be deemed always to have applied with respect to every agreement entered into before the passing of this Act, as if this section had been in force when the agreement was entered into:

Provided that nothing in this section shall affect the rights of the parties under any judgment given in any Court before the passing of this Act, or under any judgment given on appeal from any such judgment, whether the appeal is commenced before or after the passing of this Act.

4. Reserves for public purposes—(1) Section twelve of the principal Act (as amended by section thirteen of the Land Subdivision in Counties Amendment Act 1953 and by section four of the Land Subdivision in Counties Amendment Act 1954) is hereby further amended by repealing subsection two, and substituting the following subsection:

“(2) Subject to the provisions of this section, an area of land shall be set aside as reserved for public purposes amounting to not less than four perches for each allotment on the plan of less than two acres which in the opinion of the Minister will be used for residential purposes:

“Provided that, for each such allotment that has a frontage to any new road being constructed by the owner, the amount to be so set aside shall be not less than three perches:

“Provided also that, if on any other subdivision of any land, whether before or after the commencement of this Act, the owner has set aside in the same locality as reserves for public purposes an area in excess of the area that was required under the foregoing provisions of this subsection, or that would have been so required if this subsection had then been in force, or if the owner has otherwise given land in the same locality

as reserves for public purposes, the area required to be set aside as a reserve for public purposes under the foregoing provisions of this subsection may, if the Minister thinks fit, be reduced by the amount of the excess area set aside on that other subdivision or, as the case may be, by the area of the land otherwise given for public purposes.”

(2) Section twelve of the principal Act (as amended by section fifteen of the Land Subdivision in Counties Amendment Act 1953) is hereby further amended by repealing the proviso to subsection four.

(3) The following enactments are hereby repealed:

- (a) Paragraph (b) of subsection one of section thirteen, subsection two of section thirteen, and section fifteen of the Land Subdivision in Counties Amendment Act 1953:
 - (b) Section four of the Land Subdivision in Counties Amendment Act 1954.
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