

1961  
No. 33

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#### ANALYSIS

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1959, No. 33

### An Act to amend the Land Settlement Promotion Act 1952 [15 October 1959]

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 Settlement Promotion Amendment Act 1959, and shall be read together with and deemed part of the Land Settlement Promotion Act 1952 (hereinafter referred to as the principal Act).

**2. Purchasers to reside personally on farm land**—(1) Section twenty-four of the principal Act is hereby amended by omitting from paragraph (c) of subsection one the words “before the thirty-first day of August, nineteen hundred and fifty-five”, and substituting the words “after the seventh day of October, nineteen hundred and fifty-nine, and before the thirty-first day of August, nineteen hundred and sixty-two”.

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(2) Section twenty-nine of the principal Act is hereby amended by omitting from paragraph (b) of subsection one the words "before the thirty-first day of August, nineteen hundred and fifty-five", and substituting the words "after the seventh day of October, nineteen hundred and fifty-nine, and before the thirty-first day of August, nineteen hundred and sixty-two".

(3) Section thirty-three of the principal Act is hereby amended by omitting the words "before the thirty-first day of August, nineteen hundred and fifty-five", and substituting the words "after the seventh day of October, nineteen hundred and fifty-nine, and before the thirty-first day of August, nineteen hundred and sixty-two".

**3. Dispensing with consent of Court—**(1) Section twenty-four of the principal Act is hereby amended by inserting in paragraph (a) of subsection one, after the words "or lessee", the words "enters into the transaction solely on his own behalf as the person beneficially entitled thereunder and".

(2) Section twenty-four of the principal Act is hereby further amended by adding to subsection three the following paragraphs:

"(e) Land owned, leased, held, or occupied by a parent of any child under the age of seventeen years shall be deemed also to be owned, leased, held, or occupied by that child:

"(f) Land in which any person has any estate or interest, whether legal or equitable and whether vested or contingent, under any trust or will or intestacy shall be deemed to be owned by that person."

**4. Consent of Minister required in certain cases—**(1) The principal Act is hereby amended by inserting, after section twenty-nine, the following section:

"29A. Notwithstanding anything in this Act, where—

"(a) The purchaser or lessee under any transaction is a trustee and any person beneficially entitled under the trust is under the age of seventeen years at the date of the transaction; or

"(b) The purchaser or lessee under any transaction is a company the members of which are less than ten in number and—

"(i) Any member of the company is under the age of seventeen years at the date of the transaction; or

“(ii) Any member of the company holds any shares as a trustee under a trust and any beneficiary under the trust is under the age of seventeen years at the date of the transaction,—

the Court or the Committee, as the case may be, shall not make an order consenting to the transaction unless the Minister has consented in writing to the transaction.”

(2) Section twenty-nine of the principal Act is hereby amended by inserting in subsection one, after paragraph (a), the following paragraph:

“(aa) In any case to which section twenty-nine A of this Act applies, that the Minister has consented in writing to the transaction; and”.

**5. Amending provisions as to undue aggregation—**(1) Section thirty-one of the principal Act is hereby amended by repealing paragraph (e) of subsection one, and substituting the following paragraph:

“(e) Whether a refusal of consent would result in an unavoidable and substantial hardship to the owner of the land.”

(2) Section thirty-one of the principal Act is hereby further amended by adding to paragraph (a) of subsection two the words “and nothing in the application before the Committee or the Court substantially differs from or conflicts with any statement made by the purchaser or lessee for the purpose of obtaining that consent”.

(3) Section thirty-one of the principal Act is hereby further amended by adding to subsection two the following paragraphs:

“(e) Land owned, leased, held, or occupied by a parent of any child under the age of seventeen years shall be deemed also to be owned, leased, held, or occupied by that child:

“(f) Land in which any person has any estate or interest, whether legal or equitable and whether vested or contingent, under any trust or will or intestacy shall be deemed to be owned by that person:

“(g) Unavoidable and substantial hardship shall not be deemed to result solely because refusal of consent to a transaction would result in the owner of the land being unable to obtain the benefit of an excessive rent, sale price, or other consideration.”

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**6. Personal residence on land held by trustees**—Section thirty-two of the principal Act is hereby amended by inserting, after subsection three, the following subsection: P.O.P. 1961  
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“(3A) Where land is held by trustees under any deed or declaration of trust, the conditions as to residence and as to farming the land may be fulfilled by the persons beneficially entitled thereto under the trust, or by any of them, or by any person or persons approved by the Minister, or as the Committee or the Court directs.”

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