

New Zealand.



ANALYSIS.

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1904, No. 41.

Title. AN ACT to amend the Law relating to the Rating of Native Land.
[8th November, 1904.]

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

Short Title. 1. (1.) The Short Title of this Act is “The Native Land Rating Act, 1904”; and it shall form part of and be read together with “The Rating Act, 1894” (hereinafter referred to as “the principal Act”).

Date of Act coming into operation. (2.) This Act shall come into operation on the first day of April, one thousand nine hundred and five.

Certain Native lands liable to full rates. 2. (1.) All Native land—
(a.) Of which there is a European occupier; or
(b.) That is situate in a borough or town district, or within ten miles of any part thereof; or
(c.) That is situate within five miles of any Government or county road; or
(d.) That has been at any time acquired by purchase, lease, or in any other way for valuable consideration from any person or from the Crown; or
(e.) That has at any time been liable for full rates; or
(f.) That is incorporated under Part II. of Division II. of “The Native Land Court Act, 1894”;—

shall be liable to the full amount of rates (including special rates) from time to time levied in the district, or any subdivision thereof, or in any part of the district defined for the purposes of any special loan.

(2.) All other Native lands shall, if the title thereto has been ascertained, be liable to be rated to one-half only of the amount of such rates; or, if the title thereto has not been ascertained, shall be exempt from all rates:

Certain lands liable to one-half only, or exempt.

Provided that if the Minister is of opinion that the owners of any land the title to which has not been ascertained are delaying to make application to ascertain the title to the land, for the purpose of avoiding the liability to rates imposed by this Act, he shall apply to the Native Land Court to ascertain the title to such land.

Limit of exemption in case of papatupu land.

(3.) All Native lands vested in the Public Trustee in trust for Natives shall be liable to be rated under this section, and the Public Trustee shall be deemed to be the owner thereof within the meaning of the principal Act, but shall be liable only to the extent of the funds in his hands available in respect of any such lands.

Lands vested in Public Trustee in trust for Natives.

3. The Governor may from time to time by notice in the *Gazette* and *Kahiti*—

Governor may declare lands to be liable to rates.

(a.) Declare any Native lands not within subsection one of the last preceding section, and not being papatupu land, to be liable to full rates; or

(b.) Exempt any Native lands liable to rates from all or any specified part of such rates, and any such notice may apply either to any specified land on account of the indigent circumstances of the occupiers or for other special reason, or to any specified class of lands:

Or to be exempt.

Provided that no such exemption shall affect any rate already made by any local authority.

4. The Valuer-General shall cause all lands liable under this Act to be rated to be entered on the district valuation-roll in accordance with the provisions of "The Government Valuation of Land Act, 1896," subject to the provisions of the three next succeeding sections.

Rateable lands to be entered on valuation-roll.

5. If the land is incorporated land, the Valuer-General shall enter on the roll the name of the chairman of the corporation, and shall value the land as one block.

Incorporated lands, how entered.

6. If the land is partitioned, or the relative interests of the owners have been defined, then the names of each owner and the value of his interest shall be entered on the roll.

Partitioned lands, how entered.

7. (1.) If the land is not partitioned, or the relative interests of the owners have not been defined, then the Valuer-General shall enter on the roll the names of such of the owners (not exceeding one for every twenty-five owners) as he thinks fit, with the addition of the words "as nominated Native occupiers."

Unpartitioned lands, how entered.

(2.) For all the purposes of the principal Act the nominated Native occupiers shall be deemed to represent all the Native owners and occupiers, and accordingly the demand for payment of the rates may be delivered to them or any one of them in the manner prescribed by the principal Act as if they were the sole occupiers, and rates in arrear may be recovered against them, they being designated in the summons

Nominated occupiers may be sued.

and in the judgment thereon by their own names, with the addition of the words "as nominated Native occupiers."

(3.) Such judgment shall operate and may be enforced against all the Native owners or occupiers, and also against the land, as fully and effectively as if their names were specifically set forth therein as defendants.

Judgment for rates not to be enforced without consent of Minister.

8. No judgment against a Native owner or occupier for non-payment of rates shall operate or be enforced until the expiration of one month after the entry thereof, nor shall it operate or be enforced at any time without the previous consent in writing of the Native Minister (hereinafter called "the Minister"):

Provided that the liability of each such Native owner or occupier (as also of each of the nominated Native occupiers) under such judgment shall be limited to the amount due by him in respect of the rates of his own share of the land, together with a proportionate part of the costs included in the judgment:

Provided further that if the relative shares in the block are not ascertained, then the liability under the judgment shall be borne by the Native owners and occupiers in equal shares.

Maori Council may administer lands on default of payment of rates.

9. In lieu of granting such consent the Minister, if he deems it expedient in the interests of all parties so to do, may authorise the District Maori Land Council of the district within which the land is situated (hereinafter referred to as "the Council") to administer the whole or any part of the land, and in any such case the following provisions shall apply:—

(a.) A notice by the Minister in the *Gazette* and *Kahiti* that the Council is authorised to administer the land or any specified portion thereof shall be conclusive evidence of the fact.

(b.) The District Land Registrar shall, upon production of an approved plan of the land, register a copy of such notice, and thereupon the land shall be vested in the Council as if the same had been duly transferred to the Council under the provisions of "The Maori Land Administration Act, 1900."

(c.) The land shall be held by the Council upon such terms as to leasing, cutting up, managing, improving, and raising money upon the same, not being inconsistent with the provisions of the last-mentioned Act, as may be specified in such notice, and shall be dealt with in the same manner, *mutatis mutandis*, as Maori lands duly transferred to the Council under the provisions of the said Act.

(d.) The Council shall, out of any funds at its disposal, satisfy the judgment, and shall pay to the local authority all rates from time to time becoming due in respect of the land.

Minister may pay rates and lodge caveat.

10. (1.) In lieu of proceeding under the last preceding section the Minister may, out of moneys appropriated by Parliament for the purpose, pay to the local authority the amount of the judgment, and any rates from time to time becoming due in respect of the land.

(2.) A certificate under the hand of the Minister of the payment of any moneys under this section shall, on being forwarded to the

District Land Registrar, have the effect of a caveat against any dealing with the land the subject of the certificate until such moneys are paid or until such caveat is lawfully removed.

11. (1.) Where the Minister has paid any rates, or the amount of any judgment for rates in arrear, payable in respect of any block of land, the Court may, when any application for partition is heard, set aside a portion of the block equal in value to the aggregate amount of all moneys so paid by the Minister in respect of the block, and shall by order declare the portion so set aside to be vested in the Crown.

Court to set aside land equal in value to rates paid by Minister.

(2.) A certified copy of every such order shall be filed with the District Land Registrar, and thereupon the land so set aside shall vest in His Majesty free from all charges and encumbrances.

Land so set aside to vest in Crown.

12. Every alteration made in any valuation-roll in accordance with sections five to seven hereof may be made under section eleven of "The Government Valuation of Land Act Amendment Act, 1900," as if it were a change in the ownership or occupancy of the land.

Alterations in roll, how made.

13. (1.) Where one of several owners of any block of land has paid to a local authority any rates due in respect of the whole block, he may recover against the other owners their due proportion of the amount so paid, according to the respective shares of each such owner in the block.

Rates paid on behalf of several owners may be recovered.

(2.) If it appears to a Judge of the Native Land Court, on the application of any owner who has paid any such rates, that any other owners are liable to contribute any part of the same, such Judge may give his certificate accordingly.

(3.) Such certificate shall be forwarded by the Registrar of the Court to the District Land Registrar, and shall thereupon have the effect of a caveat against any dealing with the land the subject of the certificate until the amount that such other owners are liable to contribute is paid, or until such caveat is lawfully removed.

14. Notwithstanding anything in section sixty-one of the principal Act, judgment for rates due may be given against any Native owner or occupier at any time within three years from the time when the rates first became due.

Time for recovering judgment for rates extended.

15. (1.) Section two of the principal Act is hereby amended by repealing the words "and all Native lands in the colony" in the definition of "rateable property," and also by repealing paragraph eleven of that definition.

Repeals.

(2.) Section sixty-eight of the principal Act, section two of "The Rating Act Amendment Act, 1895," and sections two to four of "The Rating Act Amendment Act, 1896," are hereby repealed.

16. Nothing herein shall be construed so as to render any Native land liable to rates that is exempted from the definition of "rateable property" contained in section two of the principal Act as amended by this Act.

Saving of exemptions.

17. Notwithstanding anything in this Act, the Native reserves in the Middle Island occupied by Maoris shall not be liable to more than half rates.

Native reserves in Middle Island.