

New Zealand.



ANALYSIS.

Title.

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| <ol style="list-style-type: none"> 1. Short Title. 2. Altering Titles of principal Act and amending Acts. 3. Small Farms Board. 4. Settlement land may be declared subject to principal Act. | <ol style="list-style-type: none"> 5. Land to be disposed of on renewable lease. Repeals and saving. 6. As to acquisition of fee-simple under leases already granted. Repeal. |
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1939, No. 21.

AN ACT to amend the Small Farms (Relief of Title. Unemployment) Act, 1932-33.

[29th September, 1939.]

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 Small Farms Amendment Act, 1939, and shall be read together with and deemed part of the Act heretofore known as the Small Farms (Relief of Unemployment) Act, 1932-33 (hereinafter referred to as the principal Act).

2. (1) The principal Act may hereafter be cited as the Small Farms Act, 1932-33; the Small Farms (Relief of Unemployment) Amendment Act, 1933, may hereafter be cited as the Small Farms Amendment Act, 1933; and the Small Farms (Relief of Unemployment) Amendment Act, 1935, may hereafter be cited as the Small Farms Amendment Act, 1935.

Short Title.

1932-33, No. 43

Altering Titles of principal Act and amending Acts.

1933, No. 44

1935, No. 9

(2) The said Acts and all other Acts are hereby consequentially amended by omitting the words “(Relief of Unemployment)” from all references to the titles of the Acts referred to in the last preceding subsection.

Small Farms Board.

3. The Board established under the principal Act shall hereafter be called the Small Farms Board.

Settlement land may be declared subject to principal Act. See Reprint of Statutes, Vol. IV, p. 862

4. (1) The Minister may from time to time, by notice in writing, set aside for the purposes of the principal Act any land that is subject to the Land for Settlements Act, 1925, and upon being so set aside that land shall cease to be subject to the Land for Settlements Act, 1925.

(2) The Minister may at any time in like manner revoke the setting-aside of the whole or any part of any land that is set aside under this section, and thereupon that land or that part thereof shall cease to be subject to the principal Act and shall again be subject to the Land for Settlements Act, 1925.

Land to be disposed of on renewable lease.

5. (1) Any Crown land subject to the principal Act may be disposed of by way of renewable lease under this section.

(2) The following classes of persons, and no others, shall be qualified to receive leases under this section—namely, persons who, in the opinion of the Board, are suitable for engagement in rural occupations, and in respect of whom the Board is satisfied that they are not in regular employment or that they have not sufficient capital to acquire land under the Land Act, 1924, or the Land for Settlements Act, 1925.

Ibid., pp. 622, 862

(3) Every lease under this section shall be granted upon such terms and conditions, and shall be subject to such reservations, conditions, and provisions (not inconsistent with this section), as may be prescribed by regulations made under the principal Act.

(4) The lease shall not confer on the lessee any right to acquire the fee-simple of any land comprised therein.

(5) The term of the lease shall be thirty-three years from the prescribed half-yearly day next following the date of the lease, and shall include the period from the date of the lease to that half-yearly day.

(6) The yearly rental payable under the lease shall be an amount equal to four and one-half per centum of the amount determined by the Board to be the

unimproved value of the land comprised in the lease as at the commencement of the term of the lease. The lease shall contain such provisions as may be prescribed for a rebate of part of the rent upon prompt payment, but the amount of any such rebate shall not exceed one-ninth of the rent.

(7) The lease shall contain a right of renewal for a further term of thirty-three years from its expiration, subject to the same reservations, conditions, and provisions as the expiring lease, including the right of renewal, except that for the purpose of fixing the rent in respect of each renewal the unimproved value of the land as at the commencement of the term of the renewal shall be determined by the Board, or, if the lessee refuses to accept the Board's valuation, shall be determined by arbitration in the prescribed manner.

(8) Before a lease of any land is granted under this section the amount determined by the Board to be the value of the improvements on the land as at the date of the proposed lease shall be notified to the intending lessee, and, upon the granting of the lease, shall be deemed to have been advanced to the lessee by the Board, and shall be secured and made repayable in such manner as the Board determines. The lease shall confer on the lessee such rights as may be prescribed in respect of his interest in the improvements on the land.

(9) No fee shall be payable on the registration of any lease under this section.

(10) This section is in substitution for section eight of the principal Act, and that section, sections nine, eleven, and twelve of the principal Act, subsections two and three of section ten of that Act, and sections five and six of the Small Farms Amendment Act, 1935, are hereby accordingly repealed. The repeal of the said enactments shall not affect the rights of the lessees under any leases granted under the principal Act before the passing of this Act:

Repeals and saving.

1935, No. 9

Provided that no such lessee shall have any of the rights referred to in section six of the Small Farms Amendment Act, 1935.

(11) Paragraph (b) of subsection two of section two of the Small Farms Amendment Act, 1933, and subsection one of section seven and subsection one of section eight of the Small Farms Amendment Act, 1935, are hereby consequentially amended by omitting the words "under section eight of", and substituting in each case the words "of Crown land subject to".

As to acquisition of fee-simple under leases already granted.

6. (1) The price at which a lessee may acquire the fee-simple of any land disposed of by way of lease in accordance with the principal Act before the passing of this Act shall be the amount determined by the Board to be the unimproved value of the land as at the date of the acquisition of the fee-simple by the lessee.

(2) The lessee of any such land shall not be entitled to acquire the fee-simple thereof until all moneys owing by him to His Majesty the King in respect of that land (whether in respect of advances made to him by the Board or otherwise) have been paid.

(3) The fee-simple so granted shall be subject to all rights, titles, interests, and encumbrances affecting the estate of the lessee immediately before the grant of the fee-simple.

Repeal.

(4) This section is in substitution for section thirteen of the principal Act, and that section is hereby accordingly repealed.