

New Zealand.



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1925, No. 31.

Title.

AN ACT to consolidate certain Enactments of the General Assembly relating to the Periodical Valuation of Landed Properties in New Zealand. [1st October, 1925.]

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

Short Title and commencement.

1. This Act may be cited as the Valuation of Land Act, 1925, and shall come into force on the first day of April, nineteen hundred and twenty-six.

Interpretation.

1908, No. 203, sec. 2
1912, No. 15, sec. 3
1920, No. 38,
sec. 2 (2)

2. In this Act, if not inconsistent with the context,—

“Capital value” of land means the sum which the owner's estate or interest therein, if unencumbered by any mortgage or other charge thereon, might be expected to realize at the time of valuation if offered for sale on such reasonable terms and conditions as a *bona fide* seller might be expected to require:

“District” means the district over which the jurisdiction of a local authority to levy rates extends; and includes a riding of a county, a ward of a borough, or any subdivision of a district for the purpose of the election of members of the local authority:

“Improvements” on land means all work done or material used at any time on or for the benefit of the land by the expenditure of capital or labour by any owner or occupier thereof in so far as the effect of the work done or material used is to increase the value of the land, and the benefit thereof is unexhausted at the time of valuation; but does not include work done or material used on or for the benefit of the land by the Crown or by any statutory public body, except so far as the same has been paid for by the owner or occupier either by way of direct contribution or by way of special rates on loans raised for the purpose of constructing within a county any road, bridge, irrigation works, water-races, drainage-works, or river protection works:

Provided that the value of improvements made out of loan-moneys raised for the purpose of constructing within a county any road, bridge, irrigation works, water-races, drainage-works, or river protection works as aforesaid shall not exceed the amount of principal estimated by the

Valuer-General to have been repaid by the owner in respect of any such loan by way of special rates :

“ Land ” means all land, tenements, and hereditaments, whether corporeal or incorporeal, in New Zealand, and all chattel or other interests therein, and all timber or flax growing or standing thereon :

Provided that native bush or trees which have been planted for shelter or ornamental or utility purposes shall not be included in the definition of land in this section :

“ Local authority ” includes an Electric-power Board :

“ Owner ” means the person who, whether jointly or separately, is seised or possessed of or entitled to any estate or interest in land :

“ Unimproved value ” of any land means the sum which the owner’s estate or interest therein, if unencumbered by any mortgage or other charge thereon, might be expected to realize at the time of valuation if offered for sale on such reasonable terms and conditions as a *bona fide* seller might be expected to impose, and if no improvements (as hereinbefore defined) had been made on the said land :

“ Value of improvements ” means the added value which at the date of valuation the improvements give to the land.

Officers.

3. There may from time to time be appointed a Valuer-General, and also such District Valuers and other officers as are deemed necessary.

Appointment of Valuer-General and officers.

4. (1.) There may also from time to time be appointed some fit person to be Deputy of the Valuer-General.

1908, No. 203, sec. 3
1912, No. 23,
sec. 60 (3)

(2.) Such Deputy shall, under the control of the Valuer-General, perform such general official duties as he is called upon to perform by the Valuer-General ; and in case of the illness, absence, or other temporary incapacity of the Valuer-General such Deputy shall act in his name and on his behalf, and while so acting shall have and may exercise all the powers, duties, and functions of the Valuer-General.

Appointment of Deputy of Valuer-General.

1908, No. 203, sec. 4
1912, No. 23,
sec. 60 (3)

(3.) On the occurrence from any cause of a vacancy in the office of Valuer-General (whether by reason of death, resignation, or otherwise), and so long as such vacancy continues, such Deputy shall have and may exercise all the powers, duties, and functions of the Valuer-General.

5. (1.) The District Valuers shall be persons of reputed local knowledge of land-values, and shall exercise their functions in such districts as the Valuer-General from time to time directs ; and the fact of a District Valuer exercising his functions in any specified district shall be sufficient evidence of his authority so to do.

Where District Valuers to exercise functions.

1908, No. 203, sec. 5

(2.) All references to District Valuers in this Act shall be deemed to include any officer or valuer appointed or employed by the Valuer-General to act in the preparation of the district roll or in the making of any valuation.

References to District Valuers to include certain other officers.

6. (1.) The District Valuer may at all times during the day enter on any land for the purpose of making a valuation of the same, and the owner or occupier or manager thereof shall answer any questions

Powers of District Valuers, and duties of owners and occupiers.

Ibid., sec. 23

put to him by the Valuer, and generally afford all necessary information to enable a correct valuation to be made.

(2.) Every person who in any way obstructs or hinders the District Valuer in the exercise of his functions under this section, or refuses to answer any relevant question or to afford any information in his power under this section, is liable to a fine not exceeding ten pounds.

District Valuation Rolls.

Preparation of district valuation roll, and contents thereof.

1908, No. 203, sec. 5
1912, No. 15, sec. 4

7. A district valuation roll shall be prepared for each district, and shall be in the prescribed form, and shall set forth in respect of each separate property the following particulars:—

- (a.) The name of the owner of the land, and the nature of his estate or interest therein, together with the name of the beneficial owner in the case of land held in trust:
- (b.) The name of the occupier within the meaning of the Rating Act, 1925:
- (c.) The situation, description, and area of the land:
- (d.) The nature and value of the improvements:
- (e.) The unimproved value of the land:
- (f.) The capital value of the land:
- (g.) Such other particulars as are prescribed.

Revision of district rolls.

1908, No. 203, sec. 7

8. (1.) The district valuation rolls for any one or more districts, or for all the districts in New Zealand, may be revised by the Valuer-General as at such date or dates as the Governor-General in Council from time to time directs.

(2.) Such revision may, in the case of each roll, relate either to all the properties on the roll or to any of them, as the Valuer-General thinks fit.

Provisions as to revision of rolls.

Ibid., sec. 8

9. For the purposes of such revision the Valuer-General shall amend the roll by making all such alterations as are necessary in order that the capital and unimproved values and value of improvements of all the properties to which the revision relates may be readjusted and corrected so as to represent the correct values as at the time of revision, and for that purpose he may make such fresh valuations as may be required.

Alterations during currency of rolls.

Ibid., sec. 9
1912, No. 15, sec. 5

10. Irrespective of the foregoing provisions for the revision of the roll, the Valuer-General may, of his own motion, from time to time and at any time during its currency (meaning thereby the period elapsing between the date as at which the roll was prepared and the first revision thereof, or, as the case may be, between any one revision and the next), make all such alterations and amendments therein as are necessary in order to readjust and correct the valuations and entries and bring them up to date, whenever they are found to be inaccurate or not up to date in consequence of—

- (a.) Any improvements being added to or removed from the land:
- (b.) Any change in the ownership or occupancy of the land:
- (c.) Any amended valuation being made on the application of the owner under section fifty hereof:
- (d.) Any land being omitted from the roll, or the name of the owner or the description or other particulars of the land being erroneously entered therein:
- (e.) Any subdivision of the land.

11. The Valuer-General may also at any time, and from time to time, during the currency of a roll make such alterations or adjustments of value in the case of land which is leased or subject to any other terminable charge or interest as are necessary for the purpose of correctly assessing the respective interests of the respective owners at any specified time.

Alterations as to land leased.
1908, No. 203, sec. 10

12. (1.) Notwithstanding anything to the contrary in this Act, the Valuer-General may, with the approval of the Minister in charge of the Valuation Department, of his own motion at any time during the currency of a district valuation roll amend the same by altering any valuation if in his opinion such alteration is rendered necessary or desirable by reason of particular circumstances affecting the valuation.

Valuer-General may at any time amend district roll for sufficient cause.
1922, No. 51, sec. 43

(2.) All amendments of a district valuation roll made pursuant to this section shall be subject to the provisions of the next succeeding section hereof as to notices and objections.

Objections.

13. (1.) The Valuer-General shall give to each owner whose valuation has at any time been altered a notice of such alteration in the prescribed form :

Notice of alterations to be given.
1908, No. 203, sec. 11

Provided that the omission to give such notice shall not invalidate any valuation.

(2.) Such owner may object to such altered valuation within such time as is fixed by the Valuer-General in such notice.

14. When a roll has been revised, the Valuer-General, or any local authority, or any owner whose name appears thereon, shall, within such time after the revision thereof as the Valuer-General publicly notifies by advertisement, have the right to object to any valuation therein, whether or not such valuation has been altered by the revision.

Objections may be made.
Ibid., sec. 12

Assessment Court.

15. All objections to valuations under this Act shall be heard and determined by an Assessment Court constituted as hereinafter provided.

Assessment Court.
1920, No. 26, sec. 2

16. (1.) There shall be a President of the Assessment Court, who shall be a barrister or solicitor of the Supreme Court of New Zealand, and shall be appointed by the Governor-General in Council.

President of Assessment Court.
Ibid., sec. 3

(2.) The President shall hold office for a term of five years, but may be reappointed for a further term or for further successive terms of five years.

17. (1.) There shall be one assessor appointed by the Governor-General in Council for each land district under the Land Act, 1924.

Appointment of assessors by Governor-General.
Ibid., sec. 4

(2.) Every assessor so appointed shall hold office for a term of two years, but may be reappointed for a further term or for further successive terms of two years.

18. (1.) There shall be an assessor appointed from time to time as required by each local authority as hereinafter defined.

Appointment of assessors by local authorities.
Ibid., sec. 5

(2.) No person being a member of any local authority or a paid officer of any local authority shall be appointed an assessor under this section either by that or any local authority.

(3.) If any local authority fails to appoint an assessor as aforesaid, the Governor-General in Council may appoint an assessor for that local authority.

Resignation or removal from office of members of Assessment Court. 1920, No. 26, sec. 6

19. (1.) Notwithstanding anything in the foregoing provisions of this Act, the President or any assessor may be at any time removed from office by the Governor-General for inefficiency, disability, insolvency, neglect of duty, or misconduct proved to the satisfaction of the Governor-General.

(2.) Any assessor appointed by the Governor-General may at any time resign his office by writing under his hand addressed to the Governor-General; and any assessor appointed by a local authority may at any time resign his office by writing under his hand addressed to the Chairman or Clerk of the local authority.

Limited meaning of local authority. *Ibid.*, sec. 7

20. For the purposes of the two last preceding sections the term "local authority" means—in a borough, the City or Borough Council; in a town district, the Town Board; in a road district, the Road Board; in an outlying district of a county or in a county in which there are no town districts or road districts, the County Council; and, subject to the foregoing provisions of this section, in a county in which the Counties Act, 1920, is not in force, the Governor-General in Council.

When assessors to act as members of Assessment Court. *Ibid.*, sec. 8

21. (1.) The assessor appointed by the Governor-General for any land district shall act as a member of the Assessment Court only in respect of objections to valuations of property situated in that land district. In the case of an objection with respect to land situated partly in one and partly in another land district, the assessor appointed for the land district in which the greater portion of that land is situated shall act as a member of the Assessment Court for the purposes of that objection.

(2.) The assessor appointed by any local authority shall act only in respect of objections to valuations of property situated in the district of that local authority.

Deputies may act for President of Assessment Court or for assessors. *Ibid.*, sec. 9

22. (1.) If from any cause the President is unable to attend any sitting of the Assessment Court, the Governor-General in Council may appoint a deputy to act for him.

(2.) If from any cause the assessor appointed by the Governor-General in Council for any land district is unable to attend any sitting of the Court in respect of land in that land district, the Governor-General in Council may appoint a deputy to act for him.

(3.) If from any cause the assessor appointed by the local authority of any district is unable to attend any sitting of the Court in respect of land in that district, the local authority may appoint a deputy to act for him.

(4.) While any deputy is acting as aforesaid he shall have all the powers, duties, and functions of the member of the Court for whom he so acts.

(5.) The fact that any person is acting as a member of the Court shall be conclusive evidence of his authority so to do, and no person shall be concerned to inquire whether the occasion has arisen requiring or authorizing him so to do.

Remuneration of President and assessors. *Ibid.*, sec. 10

23. (1.) The President shall be entitled to such salary as may be fixed and appropriated by Parliament, and the assessors appointed by the Governor-General in Council shall be entitled to such allowances or other remuneration as may be fixed by regulations.

(2.) The President and the assessors appointed by the Governor-General in Council shall be entitled to such travelling-expenses as may be fixed by regulations.

24. There shall be appointed a Clerk to the Assessment Court.

Clerk of
Assessment Court.
1920, No. 26, sec. 11

25. The Valuer-General shall prepare and lay before the Assessment Court, prior to the opening of the Court, a list of all objections which are to be heard, and the President of the Court shall enter all decisions given by such Court in such list, and shall initial all such entries, and the Valuer-General shall correct the roll from such list accordingly.

List of objections to
be made.
1908, No. 203, sec. 14

26. If, on the hearing of the objection, the Assessment Court makes any alteration in the valuation, then it shall make all such consequential alterations as are necessary for the purpose of fixing the capital and unimproved values and the value of improvements.

Alteration in
valuation.
Ibid., sec. 15

27. Subject to the provisions hereinafter contained as to appeals on points of law, the decision of the Assessment Court shall be final, and the onus of proof shall rest with the objector.

Decision of Court
final except on
points of law.
Ibid., sec. 16

Appeals to Supreme Court.

28. The decision of the Assessment Court on any objection before it shall, with the leave of the President of the Court, be subject to appeal to the Supreme Court on points of law, in the manner and subject to the provisions hereinafter contained.

Appeal on points of
law.
Ibid., sec. 17

29. Within seven days after the decision to be appealed against has been given, the appellant shall give notice of appeal, and (except where the appellant is the Valuer-General) shall also give security for costs; and with respect to the appeal the following provisions shall apply:—

Notice of appeal.
Ibid., sec. 18

(a.) Notice of appeal shall be given by leaving with the Clerk of the Assessment Court and serving on the respondent a notice in writing briefly stating the point of law forming the ground of the appeal:

(b.) The security for costs shall be to such amount and in such form as are approved by the President of the Assessment Court:

Security for costs.

(c.) The case on appeal shall consist of a copy of the valuation, the objection thereto, the decision of the Assessment Court, and the notice of appeal.

Form of case on
appeal.

30. With respect to every case on appeal the following provisions shall apply:—

Provisions as to
appeals.

(a.) The appellant shall, within seven days after the latest day on which he could have properly given notice of appeal, deliver to the respondent a draft of the case on appeal for his approval:

Ibid., sec. 19

(b.) The respondent, within five days after the receipt thereof, shall return the draft, either approved or altered, as he may desire, to the appellant, who, if the draft is approved or the alterations are accepted, shall engross it in triplicate; and one copy of the engrossment shall be signed by the parties or their solicitors before it is delivered to the Clerk of the Assessment Court as hereinafter provided:

- (c.) If the parties do not agree as to the form of the draft, it shall forthwith be forwarded by the appellant to the Clerk of the Assessment Court, and the President thereof shall, after hearing the parties, if he thinks fit, or either of them, or their solicitors, settle the draft and return it to the appellant, by whom it shall be engrossed in triplicate as settled :
- (d.) Within seven days after the draft has been agreed on or settled as aforesaid the engrossments shall be delivered to the Clerk of the Assessment Court, who shall procure one of them to be signed by the President thereof, and such engrossment shall thereupon be the case on appeal :
- (e.) Each of the other two engrossments shall be made by the Clerk into a correct copy of the case on appeal, and he shall file one copy and forward the other to the respondent :
- (f.) The Clerk shall transmit or deliver the case on appeal to the Registrar of the Supreme Court at the place where the appeal is to be heard, and the Registrar shall within seven days after receipt thereof enter the same on the list of cases for hearing at the next practicable sitting of the Supreme Court :
- (g.) If at such hearing the appellant does not appear to prosecute the appeal, it shall be deemed to be abandoned, and shall be struck off the list.

Order of Supreme Court final. Exception. 1908, No. 203, sec. 20

31. On the hearing of the appeal the Supreme Court may make such order as it thinks fit, and, except as provided in sections forty-four and forty-five hereof, such order shall be final and conclusive on all parties.

Costs of appeal. Ibid., sec. 21

32. The costs of the appeal shall be in the discretion of the Supreme Court, but shall not exceed ten pounds in addition to fees of Court.

Rules of Supreme Court to apply. Ibid., sec. 21

33. Subject to the provisions of this Act, the rules and practice of the Supreme Court shall apply to appeals under this Act.

Valuation may be acted on while appeal pending, subject to adjustment. Ibid., sec. 22

34. The fact that an appeal is pending shall not in the meantime interfere with or affect the decision of the Assessment Court which forms the subject-matter of the appeal ; and rates and taxes may be made, levied, and recovered on the valuation fixed by such decision in like manner as if no appeal were pending :

Provided that, in the event of the valuation being altered on appeal, a due adjustment shall be made, for which purpose amounts paid in excess shall be refunded, and amounts short-paid shall be recoverable as arrears.

Preceding section to apply to alteration of any valuation. 1921, No. 34, sec. 5

35. The provisions of the last preceding section shall apply, with the necessary modifications, in the event of an alteration of any valuation being made by the Assessment Court, or by the Valuer-General acting under the authority of section forty-four or section forty-five hereof.

Supplementary Rolls.

Supplementary roll. 1908, No. 203, sec. 24

36. Except as provided by sections ten and eleven hereof, all valuations made during the currency of any district valuation roll shall be recorded in a supplementary roll, and not in the district valuation roll.

37. Except for the assessment of land-tax and local rates (for which purpose the district valuation roll shall alone be used), the supplementary roll may be used for the same purposes as the district valuation roll.

Purposes for which entries in supplementary roll may be used.
1908, No. 203, sec. 25

Purposes for which Rolls to be used.

38. (1.) In the case of each district the district valuation roll, so long as it continues in force, shall be the roll from which the valuation roll of every local authority rating on the capital or on the unimproved value shall be framed; and for that purpose the Valuer-General, at the request of each such local authority, and upon receiving from it an accurate description of the boundaries of its rating district, shall, in the prescribed manner and form, compile from the district valuation roll, and supply to such local authority, a valuation roll of all rateable property within such rating district.

District roll to be the roll for local authorities.
Ibid., sec. 26

(2.) Such valuation roll shall, whilst the district valuation roll continues in force, be the valuation roll of the local authority for the purposes of rating.

Rates to be levied accordingly.

(3.) There shall be payable by every local authority to whom a valuation roll is supplied such fees as the Governor-General by Order in Council from time to time prescribes.

Fees payable by local authority.

39. With respect to the valuation roll supplied to any local authority under the last preceding section, the following provisions shall apply, anything in any other general, special, or local Act to the contrary notwithstanding:—

Provisions as to valuation rolls supplied to local authorities.
Ibid., sec. 27

(a.) The local authority may forward to the Valuer-General a list of any alterations which it desires shall be made in the roll, but it shall not be lawful for the local authority, without the consent of the Valuer-General, to make any alteration in such roll, except as to changes of ownership or occupancy of which notice has been received by the local authority under section sixty-eight of the Rating Act, 1925:

(b.) Every rate levied by the local authority in any year shall be levied in accordance with the values appearing in such roll as corrected from the district valuation roll up to the thirty-first day of March next preceding the date of the levy, and the rate shall not be affected by any alteration in value during the year:

(c.) The local authorities shall forward their rolls for correction and amendment at such times and to such places as the Valuer-General directs:

(d.) In any case where the boundaries of the district of a local authority are altered, or a new district is constituted, the Valuer-General shall, at the request of the local authority, make such new rolls or such alterations in the existing rolls as may be necessary to give effect to the provisions of this Act.

40. (1.) The valuations for the time being appearing in the district valuation roll shall, if and in so far as the Governor-General in Council from time to time directs, be used for the purposes following, that is to say:—

Purposes for which valuations in district valuation roll to be used.

(a.) The assessment of stamp duties under the Stamp Duties Act, 1923:

Ibid., sec. 28
1909, No. 10, sec. 84
1912, No. 10, sec. 15(3)

(b.) Advances and investments on mortgage of land by or on behalf of the undermentioned offices and Departments, that is to say,—

The Post Office ;
 The Government Insurance Office ;
 The Public Trust Office ;
 The State Advances Office ;
 The Commissioners of the Public Debts Sinking Funds Office ; and

Such other public offices and Departments as the Governor-General by Order in Council from time to time directs in that behalf.

(2.) The valuations so used by any such office or Department (including the Stamp Duties Office) shall be deemed to be in lieu of the valuations (if any) prescribed by the Act under which such office or Department is constituted, and the provisions of that Act shall be read subject to this Act accordingly.

41. (1.) Where for the purposes of the Stamp Duties Act, 1923, a valuation of any land is required as at a date subsequent or prior to the last valuation thereof under this Act, it shall be the duty of the Valuer-General, on receipt of an application from the Commissioner of Stamp Duties, to satisfy himself as to the then value of such land, and, if necessary, to make a new valuation thereof.

(2.) There shall be paid by the owner of the land or his personal representatives for such valuation such fee as may be prescribed by regulations.

42. Whenever a new valuation of any land is made by the Valuer-General under the last preceding section, notice of the amount of that valuation shall be given by him to the owner of the land, or to any other person liable in pursuance of that valuation to pay any duty.

43. (1.) Any person to whom notice is so given may, within one month thereafter, appeal against that valuation to any Magistrate's Court within the district in which the land or any part thereof is situated.

(2.) Notice of the appeal shall, not less than ten clear days before the hearing thereof, be given by the appellant to the Valuer-General, who shall be the respondent in the appeal.

(3.) The powers of the Court in respect of the hearing and determination of any such appeal, and in respect of the summoning of witnesses and examining them on oath and compelling the production of documents, shall, with all necessary modifications, be the same as if the appeal were an action between the appellant and respondent in the Magistrate's Court.

(4.) Every such appeal shall be heard and determined by a Magistrate only, and his decision shall be final and conclusive.

(5.) On the hearing of the appeal the Magistrate may diminish, increase, or confirm the valuation appealed against, and may make such order as to the costs of the appeal as he thinks fit.

(6.) Every order so made for the payment of costs shall be deemed to constitute a judgment of the Magistrate's Court, and shall be enforceable accordingly.

Valuer-General
to give notice of
new valuations
under preceding
section.

1908, No. 203, sec. 29
1909, No. 10, sec. 84

Valuer-General
to give notice of
new valuations
under preceding
section.

1908, No. 246, sec. 2
1909, No. 10, sec. 84

Appeal from such
valuations to
Magistrate's Court.

1908, No. 246, secs. 3
to 10.

1909, No. 10, sec. 84

Procedure with
respect to appeals.

(7.) For the purposes of the Stamp Duties Act, 1923, the valuation as so diminished, increased, or confirmed by the Magistrate shall be deemed to be and shall have the effect of a valuation made by the Valuer-General under section forty-one of this Act. Effect of valuation as confirmed or amended by Magistrate.

(8.) In every appeal under this section such Court fees shall be payable as are prescribed by regulations made in that behalf. Fees.

(9.) The Governor-General may from time to time, by Order in Council, make regulations, consistent with this section, prescribing— Regulations.

(a.) The procedure in appeals under this section :

(b.) The mode in which notices of new valuations and notices of appeal against such valuations shall be given under the last preceding section and this section :

(c.) The fees payable to the Magistrate's Court in appeals under this section.

General Provisions as to Valuations.

44. If the Valuer-General is of opinion that any land (other than a leasehold interest therein) has been fixed by the Assessment Court at less than its capital value the following provisions shall apply :— Valuer-General may increase assessment, or, if owner does not consent, may require land.

(a.) He may, within fourteen days after the hearing by the Assessment Court, give notice to the owner by registered letter that he requires the owner to consent to the capital value being fixed at a sum specified in the notice (being the sum which in the opinion of the Valuer-General is the fair capital value of the land), and that, failing such consent being given within thirty days after such notice is received or is delivered at its address, the Valuer-General will recommend the Governor-General to acquire the land on behalf of His Majesty at that sum :

(b.) The owner may, within the said thirty days but not afterwards, consent to the capital value being fixed at the sum specified in such notice, or at any other sum agreed to by him and the Valuer-General ; and in such case the Valuer-General may fix the capital value in accordance with such notice or agreement, and alter the roll accordingly :

(c.) If the owner does not consent or make any such agreement as aforesaid, then the Governor-General may acquire the land on behalf of His Majesty at the sum specified as aforesaid in such notice, and for that purpose may, within a reasonable time, by Order in Council gazetted, declare that the land is vested in His Majesty :

(d.) The effect of such Order in Council shall be to vest the land in His Majesty for the same estate or interest therein as the owner was entitled to at the date of the gazetting of such Order in Council, but subject to all mortgages and other charges then affecting the land :

(e.) When such Order in Council has been gazetted, the District Land Registrar of the district in which the land is situate shall, at the request of the Minister of Finance, do all things necessary in order to call in outstanding instruments of title, and duly register the title of His Majesty :

1908, No. 203, sec. 30

- (f.) If the Governor-General in Council exercises the power aforesaid, then any sum payable to the owner in respect of his estate or interest may be paid to him :
- (g.) If the owner refuses or neglects to receive the money, or is absent from New Zealand, or is under any legal disability, or if the Valuer-General is in doubt as to who is entitled to the money, then it shall be paid into the Public Trust Office in trust for the person entitled thereto :
- (h.) On petition to the Supreme Court or a Judge thereof, and on establishing his title to the money, such person may obtain payment thereof, with any interest that may have accrued thereon, nevertheless after deducting the usual and proper charges of the Public Trustee, including all costs incurred by him in connection with the petition :

Provided that the Public Trustee shall not be entitled to charge commission on the capital sum.

45. If the owner of any land (other than the owner of a leasehold interest therein) is not satisfied with the value of such land as fixed by the Assessment Court, then the following provisions shall apply :—

- (a.) He may, within fourteen days after the hearing by the Assessment Court, give notice to the Valuer-General that he requires the capital value to be reduced to the amount specified in the notice (being the sum which in the opinion of the owner is the fair capital value), or the land to be acquired on behalf of His Majesty at the sum specified in the notice :
- (b.) If such notice is duly given to the Valuer-General, he may either reduce the capital value to the sum specified in the notice or to any other sum agreed on by him and the owner, or may refer the matter to the Governor-General in Council :
- (c.) If the Governor-General in Council does not approve of the acquisition of the land, then the Valuer-General shall reduce the capital value to the amount specified in the notice, or to any other sum agreed on as aforesaid, and shall alter the roll accordingly :
- (d.) If the Governor-General in Council approves of the acquisition of the land at the sum specified as aforesaid in such notice, then the Governor-General may, by Order in Council gazetted, declare the land to be vested in His Majesty, whereupon the provisions of paragraphs (d) to (h) of the last preceding section shall, with the necessary modifications, apply.

46. On any alteration by the Valuer-General of the capital value of any land pursuant to either of the two last preceding sections the value of the improvements (if any) and the unimproved value shall be so altered that the revised value of the improvements and the revised unimproved value respectively shall bear to the original value of the improvements and to the original unimproved value the proportion that the revised capital value bears to the original capital value.

47. (1.) The Minister of Finance shall, upon the Governor-General's Warrant, pay out of the Consolidated Fund, without further appropriation than this Act, all moneys required to be expended in

Owner may give notice to Valuer-General to reduce value or acquire land.

1908, No. 203, sec. 31

Procedure when such notice received by Valuer-General.

On alteration of capital value by Valuer-General, corresponding alterations to be made in value of improvements and in unimproved value.

1920, No. 26, sec. 13

Moneys payable out of Consolidated Fund.

1908, No. 203, sec. 33

connection with the acquisition of land under sections forty-four and forty-five hereof.

(2.) Where land becomes vested in His Majesty under either of the sections aforesaid, then the possession of such land shall be deemed to be in His Majesty, and every person on such land shall be deemed to be an intruder thereon unless he proves a title to such possession as against His Majesty.

Possession of land acquired to be in His Majesty.

(3.) Any land acquired under this Act may be sold and disposed of in such manner as the Governor-General in Council directs; and the Governor-General may, in the name of His Majesty, convey, transfer, or otherwise assure such land in pursuance of any such sale or disposition.

Sale and disposal thereof.

48. Any increases or reductions in value made by the Valuer-General under the provisions of this Act shall apply to the valuation rolls supplied to local authorities under section thirty-eight hereof, and the Valuer-General shall cause the valuation roll to be amended accordingly.

Local rolls to be altered accordingly. 1908, No. 203, sec. 34

49. On application in the prescribed form, and on payment of the prescribed fee, the Valuer-General shall, in the prescribed form, supply to any person a certified copy of any entry in the district valuation roll:

Copies of entries in district rolls to be supplied.

Ibid., sec. 35

Provided that in every case where such copy is required for lending purposes by any of the aforesaid offices or Departments it shall be the duty of the Valuer-General to satisfy himself that the entry is correct as to the then value and other prescribed particulars of the property to which the entry relates; and for that purpose he shall amend the roll where necessary.

50. Any person may, by notice in the prescribed form and on payment of the prescribed fee, require the Valuer-General to make a new valuation of such person's property; and in such case the roll shall be amended pursuant to the result of such new valuation.

Owner may require new valuation.

Ibid., sec. 36

51. A certified copy by the Valuer-General of the valuation of any property appearing in the district valuation roll shall, as respects such property, be deemed to be a competent valuer's report within the meaning and for the purposes of subsection one of section eighty-six of the Trustee Act, 1908:

Copy of valuation in roll to be deemed a competent valuer's report.

Ibid., sec. 37

Provided that in every such case where such copy is required by a trustee it shall be the duty of the Valuer-General to satisfy himself that the entry is correct as to the then value and other prescribed particulars of the property to which the entry relates; and for that purpose he shall amend the roll where necessary.

52. Where land is owned or occupied—

(a.) By or in trust for a local authority; or

(b.) By or in trust for a society incorporated under the Agricultural and Pastoral Societies Act, 1908, and used by that society as a showground or place of meeting; or

(c.) By or in trust for any society or association of persons, whether corporate or unincorporate, and used as a public garden or reserve; or

(d.) By or in trust for any society or association of persons, whether corporate or unincorporate, and used for games or sports other than horse racing or trotting—

In making valuation of lands held as showgrounds or sports grounds, special purposes for which lands held to be taken into account.

1921, No. 34, sec. 2

and such land is not used for the private pecuniary profit of any individual or individuals, the Valuer-General shall make reduction in the assessment of the capital and unimproved value of such land,

and of the several interests therein, to the extent by which in his opinion such value is reduced by reason of the limited and restricted purposes to which such land is applied.

Certain charges
not deemed to be
for private
pecuniary profit.
1921, No. 34, sec. 3

53. The making of charges for admission to or for the user of such land, or of any buildings thereon, shall not be deemed to be a user for private pecuniary profit if—

- (a.) In the case of the lands held as defined in paragraph (a) of the last preceding section, the net proceeds of such charges are applied by the local authority as part of its revenues ; or
- (b.) In the case of lands held as defined in paragraphs (b), (c), and (d) of the last preceding section, the net proceeds of such charges are applied solely for the purposes of the society or association, and no part thereof is distributed as profit among the individual members of such society or association.

Estimating various
interests in land.
1908, No. 203, sec. 39

54. (1.) Where land is subject to a lease and there are more interests therein and more owners than one, the united capital values, values of improvements, and unimproved values respectively of the interests of all the owners shall not be estimated at less than the capital value, value of improvements, and unimproved value of such land would be estimated at if held by a single owner in fee-simple and free from any lease or encumbrance, anything to the contrary in this Act notwithstanding.

(2.) For the purposes of this section—

- (a.) The interest of a lessor is the present value of the net rent under the lease for the unexpired term, plus the present value of the reversion to which he is entitled :
- (b.) The interest of a lessee is the present value of the excess (if any) of five per centum per annum upon the capital value of the leased land over and above the aforesaid net rent for the unexpired term, plus the present value of any right to compensation or of purchase or other valuable consideration to which he is entitled under the lease, and minus the interest (if any) of a sublessee :
- (c.) The interest of a sublessee shall be computed in the same manner, with the necessary modifications, as that of a lessee, and so on in like manner for any interest inferior to that of a sublessee :
- (d.) All apportionments of the interests of lessors, lessees, and sublessees in respect of improvements and of land exclusive of improvements shall be made in the proportion the capital value of the leased land bears to the value of the improvements thereon and to the unimproved value thereof respectively, subject *pro tanto* to any provisions of the lease whereby the lessee or sublessee has a special interest in the improvements or in the land exclusive of improvements, as the case may be :
- (e.) All computations of present values shall be made on a five per centum per annum compound interest basis :
- (f.) " Lease " includes agreement to lease, license, and any other written document for the tenancy or occupancy of land ; " rent " includes premium, fine, royalty, and any other consideration for the tenancy or occupancy of land.

55. (1.) Where a lease imposes any onerous conditions on the lessee which at the date of valuation are unfulfilled or contains any restrictions as to the use to which the leased land may be put, then, notwithstanding anything in the last preceding section, in assessing the capital value of the lessee's and lessor's interests in the leased land, the Valuer-General may, in his discretion, make allowance to the lessee in respect of the detrimental effect on the lessee of such conditions or restrictions, and in such case shall make a corresponding addition to the value of the lessor's interest.

Onerous conditions
in leases.
1920, No. 26, sec. 14

(2.) An allowance made by the Valuer-General under this section, or his refusal in any case to make such an allowance, shall not be subject to objection under section thirteen of this Act.

Miscellaneous.

56. The Valuer-General may appear either personally or by solicitor in any Court or in any other proceedings, or by any officer of the Department, and the statement of any such solicitor or officer of the Department that he so appears by the authority of the Valuer-General shall be accepted as sufficient evidence of such authority.

Valuer-General
may appear in
person, or by
solicitor or other
officer.
1908, No. 203, sec. 38

57. (1.) The Governor-General may from time to time, by Order in Council gazetted, make regulations for all or any of the following purposes, that is to say:—

Regulations.
Ibid., sec. 40

(a.) Defining the duties and powers of the Valuer-General and all District Valuers and other persons appointed under this Act:

(b.) Determining the form and contents of the district valuation rolls, and making provision for whatever he deems necessary for the proper preparation, completion, alteration, amendment, and custody thereof:

(c.) Determining the mode in which valuation rolls shall be prepared for and supplied to local authorities, and making provision for whatever he deems necessary in connection therewith:

(d.) For giving effect to sections thirteen to thirty-five hereof:

(e.) Determining the fees payable under this Act, and the mode in which the same shall be paid and recoverable:

(f.) Making provision for anything which is expressed to be prescribed or in respect of which regulations are contemplated by this Act:

(g.) Exercising any power by this Act conferred upon him:

(h.) Making provision for any other matter which he deems necessary in order to give full effect to this Act.

(2.) Any such regulations may provide a fine not exceeding five pounds for the breach thereof.

58. All expenses incurred in the administration of this Act shall be paid out of moneys from time to time appropriated for that purpose by Parliament; and all fees received and fines recovered under this Act shall be paid into the Public Account and form part of the Consolidated Fund.

Expenses of
administration.
Ibid., sec. 41
Fees and fines to be
paid to Public
Account.

59. The Valuer-General shall, within sixty days after the close of each financial year ending the thirty-first day of March, prepare and lay before Parliament if sitting, or if not, then within fourteen days

Statement of
accounts to be laid
before Parliament.
Ibid., sec. 42

after the commencement of the next session, a statement of accounts made up to the close of such year, and showing all moneys received and expended under this Act.

Repeals.

60. The enactments mentioned in the Schedule hereto are hereby repealed, and with respect to those enactments the following provisions shall apply :—

Savings.

1908, No. 203,
sec. 1 (2)

(a.) All offices, appointments, Orders in Council, orders, regulations, warrants, rolls, valuations, Assessment Courts, notices, notifications, records, advertisements, instruments, and generally all acts of authority which originated under any of the said enactments and are subsisting or in force on the coming into operation of this Act shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated :

(b.) All matters, appeals, and proceedings commenced under any such enactment and pending or in progress on the coming into operation of this Act may be continued, completed, and enforced under this Act.

Schedule.

SCHEDULE.

ENACTMENTS REPEALED.

- 1908, No. 203.—The Valuation of Land Act, 1908.
 1908, No. 246.—The Valuation of Land Amendment Act, 1908.
 1912, No. 15.—The Valuation of Land Amendment Act, 1912.
 1920, No. 26.—The Valuation of Land Amendment Act, 1920.
 1921-22, No. 34.—The Valuation of Land Amendment Act, 1921-22.
 1922, No. 51.—The Finance Act, 1922 : Section 43.