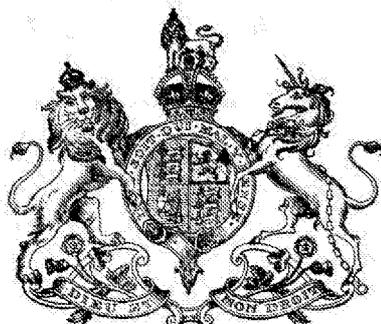


New Zealand.

## VALUATION OF LAND.

1908, No. 203.

AN ACT to consolidate certain Enactments of the General Assembly relating to the Periodical Valuation of Landed Properties in New Zealand.

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

1. (1.) The Short Title of this Act is "The Valuation of Land Act, 1908." Short Title.

(2.) This Act is a consolidation of the enactments mentioned in the Schedule hereto, and with respect to those enactments the following provisions shall apply:— Enactments consolidated.

(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. Savings.

(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.

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 unincumbered by any mortgage or other charge thereon, might be expected to realise 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:

Interpretation.  
1900, No. 17, secs.  
2, 3

“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 actually done or material used thereon by the expenditure of capital or labour by any owner or occupier of the land, nevertheless in so far only as the effect of such work or material is to increase the value of the land, and the benefit thereof is unexhausted at the time of valuation; but shall not include work done or material used on or for the benefit of land by the Crown or by any statutory public body, unless such work or material has been paid for by the contribution of the owner or occupier for that purpose:

Provided that the payment of rates or taxes shall not be deemed to be a contribution within the meaning of this definition:

“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 native trees which have been planted for shelter or ornamental purposes on an area not exceeding twenty-five acres shall not be included in the definition of land in this section:

“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 piece of land means the sum which the owner’s estate or interest therein, if unincumbered by any mortgage or other charge thereon, and if no improvements existed on that particular piece of land, might be expected to realise 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:

“Value of improvements” means the sum by which the improvements upon an owner’s land increase its value:

Provided that the value of improvements shall in no case be deemed to be more than the cost of such improvements estimated at the time of valuation, exclusive of the cost of repairs and maintenance.

3. (1.) The Governor may from time to time, by Order in Council gazetted, appoint a Valuer-General, and also such District Valuers and other officers as are deemed necessary.

(2.) The persons so appointed shall hold office during pleasure, and on such terms as to salary and otherwise, and with such powers and duties, as the Governor in Council thinks fit.

4. (1.) The Governor may also from time to time, by Order in Council gazetted, appoint some fit person to be Deputy of the Valuer-General.

Governor may  
appoint officers.  
1896, No. 44, sec. 2

Terms of  
appointment.  
Ibid, sec. 3

Appointment of  
Deputy of  
Valuer-General.  
1904, No. 27, sec. 2

(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.

(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. 1904, No. 27, sec. 7

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.  
1900, No. 17, sec. 7

(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. 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:— Preparation of district roll, and contents thereof.  
Ibid, sec. 6

- (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, 1908";
- (c.) The situation, description, and area of the land;
- (d.) The nature and value of the improvements on the land;
- (e.) The unimproved value of the land;
- (f.) The capital value of the land;
- (g.) Such other particulars as are prescribed.

7. (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 in Council from time to time directs. Revision of valuation rolls.  
1903, No. 59, sec. 2

(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. 1900, No. 17, sec. 9

8. 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. Provisions as to revision of rolls.  
Ibid, sec. 10

9. 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 Alterations during currency of rolls  
Ibid, sec. 11

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 thirty-six 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.

Alterations as to  
and leased.  
1900, No. 17, sec. 12

10. 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.

Notice of alterations  
to be given.  
Ibid, sec. 13

11. (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 :

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.

Objections may  
be made.  
Ibid, sec. 14

12. 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 to be  
heard before  
Assessment Court.  
Constitution of  
Court.  
Ibid, sec. 15  
1906, No. 9, secs. 2, 3

13. (1.) All objections shall be heard and determined by an Assessment Court consisting of three members, of whom one shall be the Magistrate exercising jurisdiction in the Magistrate's Court situate in or near the locality in which the subject-matter of the objection arises.

(2.) The Magistrate shall be the President of the Court.

(3.) Of the other two members of the Court, one member shall be appointed by the Governor in Council and the other member by the local authority of the district whose roll has been revised ; provided that such last-mentioned member shall not be a member of any local authority.

(4.) For the purposes of the last preceding subsection, "local authority" shall be deemed to mean in every borough the City or Borough Council, in every town district the Town Board, in every road district the Road Board, and in every county outside road and town districts the County Council :

Provided that two or more local authorities may join for the purpose of appointing an Assessor :

Provided also that if the local authority fails to appoint an Assessor, such appointment may be made by the Governor in Council.

(5.) The Clerk of the Magistrate's Court shall be the Clerk of the Assessment Court.

(6.) In any public notification or advertisement of an intended sitting of an Assessment Court the names of the members of whom the Court will be constituted may be stated, and the production of a copy of any such public notification or advertisement purporting to be signed by or on behalf of the Valuer-General shall be *prima facie* proof that the members of the Court so constituted are duly appointed and qualified.

14. 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.  
1900, No. 17, sec. 16

15. 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. 17

16. 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. 17

17. 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. 18

18. 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. 19

(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.

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

Provisions as to appeals.  
Ibid, sec. 20

(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.

(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.

20. On the hearing of the appeal the Supreme Court may make such order as it thinks fit, and, except as provided in sections thirty to thirty-two hereof, such order shall be final and conclusive on all parties.

21. (1.) 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.

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

22. 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.

23. (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 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.

24. Except as provided by sections nine and ten 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.

Order of Supreme Court final.  
Exception.  
1900, No. 17, sec. 21

Costs of appeal.  
Ibid, sec. 22

Rules of Supreme Court to apply.  
Ibid, sec. 23

Valuation may be acted on while appeal pending, subject to adjustment.  
Ibid, sec. 24

Powers of District Valuers, and duties of owners and occupiers.  
Ibid, sec. 26

Supplementary roll.  
Ibid, sec. 27

25. 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.

26. (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.

(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.

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

27. 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:—

(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-three of "The Rating Act, 1908":

(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.

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

(a.) The assessment of duties of land-tax and otherwise under "The Land and Income Assessment Act, 1908," and of stamp duties under "The Stamp Duties Act, 1908," and duties under "The Death Duties Act, 1908":

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

Purposes for which entries in supplementary roll may be used.

1900, No. 17, sec. 28

District roll to be the roll for local authorities.

1896, No. 44, sec. 9

1900, No. 17, sec. 4

Rates to be levied accordingly.

1896, No. 44, sec. 10

Fees payable by local authority.

Ibid, sec. 16

Provisions as to valuation rolls.

1900, No. 17, sec. 29

1903, No. 59, sec. 5

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

1896, No. 44, sec. 11

1900, No. 17, sec. 4

The Post Office ;  
 The Government Insurance Office ;  
 The Public Trust Office ;  
 The Government Advances to Settlers Office ;  
 The Commissioners of Public Debts Sinking Funds  
 Office ; and

Such other public offices and Departments as the Governor 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 Department of Land and Income Assessment and the Department of Stamp Duties) 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.

Valuation for  
 Stamp Department.  
 1903, No. 59, sec. 6

29. (1.) Where for the purposes of "The Stamp Duties Act, 1908," or "The Death Duties Act, 1908," 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 Stamps, 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.

Valuer-General may  
 increase assessment,  
 or, if owner does not  
 consent, may  
 acquire land.  
 1900, No. 17, sec. 30

30. 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 :—

- (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 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 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.
- (f.) If the Governor 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.

31. 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 in Council.
- (c.) If the Governor 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 in Council approves of the acquisition of the land at the sum specified as aforesaid in such notice, then the Governor 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, *mutatis mutandis*, apply.

32. (1.) If the capital value of the land is assessed by the Valuer-General under the provisions of the two last preceding sections, a due alteration in the value of improvements and in the unimproved value shall also be made where necessary.

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

1900, No. 17, sec. 31

Procedure when such notice received by Valuer-General.

Alterations consequent on alteration in capital value.

Ibid, sec. 32

Reference of  
disputes to  
Assessment Court.

(2.) If the Valuer-General and the owner are unable to agree as to such last-mentioned alteration, the question shall in the prescribed manner be referred to the Assessment Court, whose decision shall be final.

Moneys payable out  
of Consolidated  
Fund.  
1900, No. 17, sec. 33

33. (1.) The Minister of Finance shall, upon the Governor's warrant, pay out of the Consolidated Fund, without further appropriation than this Act, all moneys required to be expended in connection with the acquisition of land under sections thirty and thirty-one hereof.

Possession of land  
acquired to be in  
His Majesty.

(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.

Sale and disposal  
thereof.

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

Local rolls to be  
altered.  
Ibid, sec. 34

34. 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 twenty-six hereof, and the Valuer-General shall cause the valuation roll to be amended accordingly.

Copies of entries  
to be supplied.  
1896, No. 44, sec. 13  
1900, No. 17, sec. 4

35. 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:

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.

Owner may require  
new valuation.  
1896, No. 44, sec. 7

36. 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.

Definition of  
"competent valuer's  
report."  
Ibid, sec. 14  
1900, No. 17, sec. 4

37. 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":

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.

Valuer-General  
may appear in  
person, or by  
solicitor or other  
officer.  
Ibid, sec. 36

38. 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.

39. (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 without limitation of estate or power, and free from any lease or incumbrance, anything to the contrary in this Act notwithstanding.

Estimating various interests in land.  
1903, No. 59, sec. 3

(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, *mutatis mutandis*, 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.

40. (1.) The Governor 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.  
1896, No. 44, sec. 17  
1900, No. 17, sec. 25

(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 eleven to twenty-two 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.

41. 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.

42. 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 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.

Expenses of administration.  
1896, No. 44, sec. 18  
Fees and fines to be paid to Public Account.

Statement of accounts to be laid before Parliament.  
Ibid, sec. 19

## SCHEDULE.

### ENACTMENTS CONSOLIDATED.

1896, No. 44.—“The Government Valuation of Land Act, 1896” : Except section 12.

1900, No. 17.—“The Government Valuation of Land Act Amendment Act, 1900” :  
Except sections 29 (4) and 25.

1903, No. 59.—“The Government Valuation of Land Act Amendment Act, 1903” :  
Except section 4.

1904, No. 27.—“The Public Officers’ Appointment and Powers Act, 1904” :  
Section 2, and section 7 so far as applicable.

1906, No. 9.—“The Government Valuation of Land Act Amendment Act, 1906.”