

Hon. Mr. McLeod.

HANMER CROWN LEASES.

ANALYSIS

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A BILL INTITULED

AN ACT to make Better Provision for the Leasing of Crown Lands within the Hanmer Town Area, in the Canterbury Land District, with the Object of securing the Occupation of such Lands for Residential or Business purposes. Title.

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 Hanmer Crown Leases Act, 1928, and shall come into force on the first day of January, nineteen hundred and twenty-nine. Short Title and commencement.

2. In this Act, unless the context otherwise requires,— Interpretation.

“ Commissioner ” means the Commissioner of Crown Lands for the Canterbury Land District :

“ Committee ” means the Committee established pursuant to section four of this Act :

“ Crown land ” includes all land vested in His Majesty, whether reserved for any public purpose or not :

“ Hanmer Town Area ” means the area described in the Schedule hereto :

“ Minister ” means the Minister of Lands.

Lessees of Crown lands within the Hammer Town Area may apply for leave to surrender their leases in exchange for leases to be granted in accordance with this Act.

3. (1) This section applies with respect to leases of Crown lands within the Hammer Town Area granted pursuant to section three hundred and sixty-six of the Land Act, 1924, or the corresponding provisions of any former Land Act.

(2) The owner of any lease to which this section applies may at any time within *three* months after the commencement of this Act apply to the Commissioner, in the prescribed form, for leave to surrender his lease and to receive in exchange therefor a lease, in accordance with the provisions of this Act, of the whole or of portion of the land comprised in the lease proposed to be surrendered.

(3) Any application for leave to surrender a lease in accordance with this section may, with the consent of the Minister but not otherwise, be received after the expiration of *three* months and before the expiration of *six* months from the commencement of this Act; and every application so received shall be dealt with as if it had been received within the time prescribed by the *last preceding* subsection.

Special Committee to be established for purposes of this Act.

4. (1) For the purposes of this Act there shall be established a special Committee consisting of—

(a) The Commissioner, who shall be the chairman of the Committee :

(b) A valuer under the Valuation of Land Act, 1925, to be appointed by the Minister for the purposes of this Act :

(c) One other person to be appointed by the Minister as the representative of lessees who shall have applied for the grant of new leases in accordance with this Act.

Procedure to be adopted for appointment of lessees' representative.

(2) As soon as practicable after the expiration of *three* months from the commencement of this Act the Commissioner shall cause to be summoned a meeting of those lessees who have made application in accordance with this Act for the grant of new leases in exchange for their existing leases. The Commissioner shall preside at such meeting, and the business of the meeting shall be to nominate a person for appointment to the Committee hereinbefore referred to, as the representative of the lessees. It shall not be necessary that the person so nominated shall himself be a Crown tenant or an applicant for a new lease under this Act.

(3) No person shall be nominated for appointment as aforesaid unless he has consented in writing to such nomination.

(4) If the person appointed as representative of the lessees ceases for any reason to hold office as a member of the Committee before the business of the Committee has been completed, the Minister shall appoint a successor, to be nominated by the lessees in the manner hereinbefore provided.

(5) If for any reason the lessees fail to nominate a representative for appointment to the Committee as aforesaid when required so to do by the Commissioner, the Minister may appoint any suitable person as their representative.

(6) The member of the Committee appointed as the representative of the lessees, as hereinbefore provided, shall be entitled to receive, out of moneys to be appropriated by Parliament, such fees and allowances as may from time to time be approved by the Minister.

Applications under this Act to be submitted for consideration of Committee.

5. All applications received by the Commissioner under the foregoing provisions of this Act shall be submitted to the Committee for consideration. The Committee shall as soon as practicable proceed to consider all applications submitted to it as aforesaid, and may negotiate

with the lessee in any case for such modification of his application as, in the circumstances of the case, the Committee considers desirable, having regard to the object of this Act to secure the occupation for residential or business purposes of lands situated within the Hanmer
5 Town Area.

6. (1) The Commissioner shall as soon as practicable submit to the Minister the recommendations of the Committee with respect to all applications considered by it.

Powers of Committee with respect to applications under this Act.

(2) In respect of each such application the Committee shall—

- 10 (a) Recommend to the Minister that it be granted ; or
- (b) Recommend to the Minister that it be declined ; or
- (c) Recommend to the Minister that it be granted subject to modifications to be specified by the Committee.

15 (3) The Committee shall not in any case recommend that an application be granted subject to modifications unless and until it has obtained the consent in writing of the applicant to such modifications.

(4) For the purposes of this section the modification of an application may include an alteration of the area in respect of which a new lease is applied for under this Act.

20 7. The recommendation of the Committee that any application for leave to surrender an existing lease in exchange for a new lease be granted in accordance with this Act shall be accompanied by a statement signed by the Commissioner on behalf of the Committee, setting forth the following particulars :—

Matters to be included in Committee's recommendations.

25 (a) The capital value, as estimated by the Committee, of the land proposed to be included in the new lease :

(b) The unimproved value, estimated as aforesaid, of the land proposed to be included in the new lease :

(c) The first term of the lease proposed to be granted :

30 (d) The annual rent proposed to be charged under the new lease :

(e) In cases where in the opinion of the Committee a new lease should be granted over a portion only of the area comprised in an existing lease, the compensation (if any) that should be paid to the lessee in respect of his interest in the area not proposed to be included in the new lease.

35 8. (1) On receipt of the recommendations of the Committee with respect to any application the Minister shall determine whether or not the application shall be granted, and the Commissioner shall be informed accordingly.

Minister to determine whether or not applications to be granted.

40 (2) In lieu of granting any application, the Minister may submit to the lessee, through the Committee, counter-proposals for the surrender by the lessee of his lease in exchange for a new lease in accordance with this Act. If the lessee accepts such proposals his original application shall be deemed to have lapsed.

45 9. (1) On the approval by the Minister of any application under this Act, or on the acceptance by a lessee of counter-proposals submitted by the Minister in accordance with the *last preceding* section, the Commissioner may, in the name and on behalf of His Majesty, accept the surrender of any lease to which such application or counter-
50 proposals relate, and may on behalf of His Majesty execute a new lease in accordance with the said application or proposals and this Act. Such new lease may, as the circumstances require, be over the whole

Commissioner may accept surrenders and execute new leases for purposes of this Act.

of the land comprised in the surrendered lease, or over portion thereof, and in either case with or without other land.

(2) Every lease granted under this section shall be in accordance with the provisions of paragraph (g) of section five of the Public Bodies' Leases Act, 1908, and shall be subject to such special conditions, not inconsistent with paragraph (g) of the said section five, as the Governor-General may by regulations under this Act prescribe.

Modification of
foregoing provisions
in case of land
subject to
encumbrances.

10. (1) Notwithstanding anything in the foregoing provisions of this Act, the powers thereby conferred shall not be exercised in respect of any land subject to a registered mortgage, charge, or other encumbrance without the consent of the mortgagee or other person entitled to the benefit thereof.

(2) Every new lease issued pursuant to this Act shall be subject to all existing encumbrances, liens, and interests (if any) registered against the surrendered lease at the date of surrender, and the provisions of paragraph (c) of section ninety-six of the Land Act, 1924, shall, with the necessary modifications, apply thereto.

(3) In any case where the land comprised in a lease granted under this Act in exchange for a lease subject to any encumbrance, lien, or interest as aforesaid is not identical with the land comprised in such last-mentioned lease, the following provisions shall apply:—

(a) Any land included in the surrendered lease but not included in the new lease shall be deemed to have been released from all such encumbrances, liens, and interests, anything to the contrary in any instrument creating or evidencing any such encumbrance, lien, or interest notwithstanding:

(b) Any land included in the new lease but not included in the surrendered lease shall be deemed to be subject to such encumbrances, liens, and interests.

(4) Where pursuant to the provisions of the *last preceding* subsection any land comprised in a lease registered under the Land Transfer Act, 1915, is deemed to have been released from or to have become subject to any encumbrance, lien, or other interest, the District Land Registrar shall endorse an appropriate memorial upon the instrument retained as a record of his office creating such encumbrance, lien, or interest, and shall endorse a like memorial upon the outstanding duplicate (if any) of such instrument on its presentation to him for any purpose.

(5) A certificate under the hand of the Commissioner to the effect that any lease has been granted under this Act in exchange for a surrendered lease shall be conclusive evidence of the fact so certified to.

Special powers as to
disposal of
unalienated Crown
lands in Hammer
Town Area.

11. Any Crown land within the Hammer Town Area available for disposal under the Land Act, 1924, may be disposed of by way of lease in accordance with the provisions of paragraph (g) of section five of the Public Bodies' Leases Act, 1908, and the special provisions prescribed in respect of leases granted under the foregoing provisions of this Act.

Leases to be
registered under
Land Transfer Act.

12. (1) All leases issued pursuant to this Act shall be registered under the Land Transfer Act, 1915, and for the purposes of such issue and registration the provisions of section ninety-nine of the Land Act, 1924, shall, with the necessary modifications, apply.

(2) All surveys required in connection with the issue of any such lease or with its registration under the Land Transfer Act, 1915, shall be made under the direction of the Chief Surveyor for the Canterbury Land District.

5 (3) The cost of any such survey, or such portion of the cost as the Minister may determine, having regard in any case to any special circumstances affecting the same, shall be payable on demand by the lessee.

10 13. There shall be paid by the lessee in respect of the issue of any lease under this Act a fee of *twenty-one* shillings, which shall be deemed to include the cost of registration of such lease under the Land Transfer Act, 1915.

Fee for issue of lease.

15 14. (1) A lessee holding a lease granted under the provisions of this Act shall not assign, sublet, or otherwise deal with his interest therein, except by way of mortgage, without the prior consent of the Canterbury Land Board, and all dealings in contravention of this section shall be null and void.

Restriction on assignment or other disposition of leases granted under this Act.

20 (2) The District Land Registrar shall not register any dealing referred to in the *last preceding* subsection unless and until he is satisfied that such consent has been obtained.

(3) A fee of *ten* shillings in addition to any fee payable in respect of registration shall be paid to the Crown in respect of every dealing consented to by the Land Board pursuant to this section.

25 15. In the event of any mineral spring, hot spring, mud spring, geyser, or natural gas being or hereafter appearing on any Crown land situated within the Hanmer Town Area and held under lease or license granted after the passing of this Act, whether such lease or license is granted under this Act or the Land Act, 1924, or any other authority, the Governor-General may by Proclamation at any time resume the whole or any portion of the land comprised in such lease or license. On such resumption the holder of the lease or license shall be entitled to compensation to be determined in the manner prescribed by the Public Works Act, 1908, save that in assessing the amount of compensation to be paid no account shall be taken of the presence on the land of any mineral spring, hot spring, mud spring, geyser, or natural gas.

Governor-General may resume possession of land containing mineral springs or natural gas.

30 16. (1) In this section the expression "the said regulations" means the regulations for the sale and disposal of the waste lands of the Crown within the Province of Nelson, made under the Waste Lands Act, 1854, by Proclamation dated the fourteenth day of May, eighteen hundred and fifty-six, and published in the *Gazette* of the nineteenth day of the same month.

Cancellation of reservation over lands in Hanmer Town Area.

40 (2) The reservation under the provisions of the third clause of the said regulations, as notified in the *Nelson Provincial Gazette* on the eleventh day of February, eighteen hundred and sixty, is hereby revoked in so far as it affects lands within the Hanmer Town Area.

45 17. The Governor-General may from time to time, by Order in Council, make all such regulations as may be necessary for the purpose of giving effect to the provisions of this Act.

Regulations.

Schedule.

SCHEDULE.

ALL that area in the Canterbury Land District containing by admeasurement 854 acres, more or less, situated in Blocks I and II, Lyndon Survey District: Bounded by a line commencing at a point on the east bank of the River Chatterton and being the north-west corner of Section 9, Hammer Plains Reserve; thence north-easterly by a line to the north-east corner of Section 24 of the said reserve; thence south-easterly along the north-east boundary of that section, and by a line in continuation thereof to and across Jollies Pass Road; thence south-west generally by the south-east sides of that road and Scarborough Terrace to Reserve 3745; thence south-easterly, south-westerly, north-westerly, and north-easterly along the respective north-east, south-east, south-west, and north-west boundaries of that reserve to Leamington Street; thence north-westerly along the south-west side of that street to the north-east corner of Block IV of the Hammer Springs Township; thence south-westerly and south-easterly along the south-east and north-east boundaries of the said blocks, the abutment of a road and south-easterly along the north-east boundary of Block V, and south-westerly along the south-east boundary of Block V, to the Hammer-Christchurch Main Road; thence south-easterly and south-westerly along the north-east and south-east side of that road, across that road to and north-westerly along the south-west side of Woodbank Road and the production of that roadside to the River Chatterton; thence northerly generally along the left bank of that river to the point of commencement: as the same is more particularly delineated on the plan marked Proclamation 2265, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

By Authority: W. A. G. SKINNER, Government Printer, Wellington.—1928.