

Hon. Mr. McNab.

LAND LAWS AMENDMENT.

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A BILL INTITULED

Title. AN ACT to amend the Land Act, 1892, and the Land for Settlements Consolidation Act, 1900.

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

Short Title. 1. This Act may be cited as the Land Laws Amendment Act, 1907.

PART I.

CROWN LANDS. 10

This Part deemed part of Land Act. 2. This Part of this Act shall be deemed part of and be read together with the Land Act, 1892 (hereinafter in this Part of this Act referred to as the principal Act).

Renewable Leases.

No Crown land to be hereafter leased in perpetuity. 3. After the passing of this Act no Crown land shall be leased by way of a lease in perpetuity, but all Crown lands which might have been so leased under the principal Act or under any other Act may be leased by way of a renewable lease under the provisions hereinafter contained. 15

Renewable lease defined. 4. (1.) A renewable lease is a lease for the term of sixty-six years, with a perpetual right of renewal in manner hereinafter set forth. 20

(2.) The said term of sixty-six years shall be reckoned from the next first day of January or July following the date of the lease, and there shall be added to the said term the period between the date of the lease and the said day. 25

Rental under renewable lease. 5. (1.) The yearly rental payable under a renewable lease shall be an amount equal to four per centum of the capital value of the land as determined by the Board.

(2.) The said rent shall be payable in equal parts every half-year in advance on the first day of January and the first day of July in each year to the Receiver of Land Revenue. With the first half-yearly payment rent shall also be paid for the period elapsing between the date of the lease and the due date of such half-yearly payment. 30

Right of renewal. 6. The owner of a renewable lease shall have a right at the expiration of the said term of sixty-six years to a renewal of the said lease for a further term of sixty-six years, subject in all respects to the same conditions and provisions as the original lease, including the right of renewal, save that the rent shall be determined at the first and at each subsequent renewal in manner hereinafter provided. 35

Valuation prior to expiry of lease. 7. Not earlier than three years and not later than two years before the expiry of a renewable lease the Board shall cause the following valuations to be made by an appraiser appointed by the Board :— 40

5 (a.) A valuation of the substantial improvements of a permanent character which are then in existence and unexhausted on the land included in the lease, and which have either been put on the land during the continuance of the lease or have been purchased by the lessee or his predecessors in title as existing at the commencement of the lease :

(b.) A valuation of the fee-simple of the said land, not taking the said improvements into account :

10 (c.) A valuation of the yearly rental for the term of the new lease, having regard to what would be at the time of the valuation a fair market rental for that land under a lease granted for the same term and on the same conditions, but not taking into account the value of the improvements aforesaid. The rental so fixed shall in no case exceed four pounds per centum of the value of the fee-simple of the land determined as aforesaid.

15 8. Not later than eighteen months before the expiry of a renewable lease the Commissioner shall deliver to the lessee a notice in writing requiring him to elect whether he will accept a renewed lease at the rent so fixed as aforesaid, and the notice shall contain or be accompanied by a copy of the aforesaid valuations.

Notice to be given by Commissioner requiring election by lessee.

20 9. Within six months after the receipt of the notice referred to in the *last preceding* section, notice in writing shall be given to the Commissioner by the lessee to the effect either—

Notice of election by lessee.

25 (a.) That he accepts the offer of a renewed lease at the rental so fixed ; or

(b.) That he does not desire a renewed lease, and agrees to the aforesaid valuation of improvements ; or

30 (c.) That he does not desire a renewed lease, but requires the improvements to be valued by arbitration ; or

(d.) That he desires a renewed lease, and requires the value of the land and improvements and the amount of the rental, or any of these matters, to be determined by arbitration.

35 10. If the lessee of a renewable lease omits to give to the Commissioner within the time limited therefor the notice referred to in the *last preceding* section, he shall be deemed to have agreed to accept a renewed lease at the rent mentioned in the notice of the Commissioner, and to have agreed to the valuations contained or referred to in that notice.

Omission by lessee to give notice of election.

40 11. If the Board or Commissioner omits to cause any such valuation to be made or notice to be given as is hereinbefore referred to within the proper time therefor, the lessee may require such valuation to be made, and notice to be given at any time thereafter so long as he remains in possession of the land, whether the term of his lease has or has not already expired, and his right to a renewal of the lease shall not be affected by any such omission or delay.

Omission by Board to make valuation.

45 12. (1.) If the lessee, in accordance with the foregoing provisions, requires any matter to be submitted to arbitration, it shall be determined accordingly by three arbitrators, one to be appointed by the Commissioner, another by the lessee, and the third by the two

Appointment of arbitrators.

other arbitrators; or, in the event of their failing to agree in any such appointment, then by a Judge of the Supreme Court on the application of the Commissioner or of the lessee.

(2.) If the lessee fails to appoint an arbitrator within two months after being required so to do by notice in writing from the Commissioner, the lessee shall lose his right of having the matter determined by arbitration, and shall be bound by the valuation already made.

(3.) Subject to the provisions of this Act the powers and duties of the arbitrators, their mode of appointment, and the procedure to be observed in any such arbitration, and the payment of the costs thereof, shall be determined by regulations made by the Governor in Council in that behalf.

(4.) In making their determination the arbitrators shall be subject to the provisions hereinbefore contained as to the valuations made by an appraiser.

(5.) The determination of the arbitrators as to the value of the land and of the improvements thereon shall be final and conclusive and shall be binding on the parties, and the lessee shall have a right to a renewal of the lease at the rental so fixed by the arbitrators.

Notice of election by lessee on determination of arbitrators.

13. (1.) The lessee shall, within two months after receiving notice of the determination of the arbitrators, elect whether he will accept a renewed lease at the rent so fixed by the arbitrators, and give notice of his election to the Commissioner.

(2.) If he fails to give such notice within the time aforesaid, he shall be deemed to have elected to accept a renewed lease at the said rent.

(3.) Any such election shall amount to a binding agreement to accept the lease.

(4.) If the lessee fails without reasonable excuse to execute a lease accordingly within one month after the same has been presented to him for execution, the Board may declare that his right of renewal is forfeited, and his right shall thereupon determine.

Lessee entitled to value of improvements if lease not renewed.

14. (1.) If the lessee refuses or omits to accept a renewed lease or forfeits his right to obtain the same, the value of the improvements on the land, as determined by valuation or arbitration as aforesaid, shall become a debt due by the Crown to the lessee.

(2.) If the said improvements have become for any reason depreciated in value between the date of the valuation or arbitration and the date on which the lessee gives up possession of the land, the amount of this depreciation shall be deducted from the value as so determined.

Lessee to have no right to minerals without license.

15. (1.) A renewable lease shall not confer upon the lessee any right to extract or remove any minerals from the land.

(2.) The term "minerals" in this section includes all minerals, mineral oils, metals, clay, valuable stone, or other valuable materials existing below the surface of the land.

(3.) The value of minerals shall not be taken into account in any determination of the value of the land for the purpose of fixing the rental thereof either at the commencement of the lease or on any renewal thereof.

Lessee may pay up to ninety per centum of capital value of land.

16. (1.) Any owner of a renewable lease or of a lease in perpetuity may at any time make payments to the Receiver of Land Revenue in sums of not less than ten pounds and not exceeding in the whole ninety per centum of the capital value of the land comprised in his lease.

(2.) The capital value of the land for this purpose means the value in respect of which the rent payable under the said lease is calculated.

(3.) On any such payment being made the rent reserved by the lease shall thereafter abate proportionately.

(4.) When and so long as the payments so made are equal in the aggregate to fifty per centum of the said capital value, the lessee shall for the residue of the term have possession of the land freed from all covenants and conditions contained or implied in the lease other than the covenant to pay rent and the conditions as to residence, but the lessee shall not thereby obtain any right to extract minerals or commit any other waste or depreciation of the land.

(5.) All moneys so paid shall be a debt due by the Crown to the owner of the lease for the time being, and such debt shall run with the lease, and shall be payable when the lease is renewed or is determined by effluxion of time, forfeiture, surrender, or otherwise.

(6.) At any time during the currency of the lease any moneys so paid shall, so far as they exceed fifty per centum of the capital value, be repaid on the application of the person entitled thereto, and thereupon the rent payable under the lease shall be adjusted proportionately.

(7.) All moneys so paid by a lessee shall be paid into the Land for Settlements Account, and shall be available for the purposes of the Land for Settlements Consolidation Act, 1900.

(8.) Interest at the rate of four per centum (less one-tenth thereof) shall be paid half-yearly out of the said account on all moneys so paid into it, other than in respect of land under the provisions of the Land for Settlements Consolidation Act, 1900.

(9.) The said interest shall be paid into the Consolidated Fund.

(10.) All moneys repayable by the Crown under the foregoing provisions shall be paid out of the Land for Settlements Account without further appropriation than this Act.

17. Subject to the provisions of this Act, all the provisions of the principal Act prescribing the conditions to be fulfilled by the owners of leases in perpetuity shall, with the necessary modifications, apply to the owners of renewable leases, and all references in the principal Act to leases in perpetuity and to the owners thereof, shall, with respect to land held under renewable leases, be deemed to be references to renewable leases and to the owners thereof.

Provisions as to leases in perpetuity to apply to renewable leases.

18. (1.) Any owner of a lease in perpetuity under the principal Act or the Land for Settlements Consolidation Act, 1900, shall have at any time after the passing of this Act a right to surrender his lease and to obtain in lieu thereof a renewable lease of the same land.

Owner of lease in perpetuity may obtain renewable lease in lieu thereof

(2.) The rental payable under any renewable lease so obtained shall be five per centum of the capital value of the land in the case of land subject to the provisions of the Land for Settlements Con-

solidation Act, 1900, and four per centum of the said value in the case of all other land.

(3.) The capital value of the land for the purposes of the *last preceding* subsection shall be deemed, at the option of the lessee, to be either the original value of the land as determined at the date of the surrendered lease or the present value of the land (excluding the value of improvements) at the time at which application is made for a renewable lease under the provisions of this section. 5

(4.) The said present value of the land shall be determined by valuation or arbitration in the same manner (subject to any necessary modifications or any regulations made in this behalf by the Governor in Council) as is hereinbefore provided in the case of the renewal of a renewable lease. 10

(5.) The determination of the arbitrators under the *last preceding* subsection shall be binding upon the parties; and the lessee shall, so soon as the said determination has been made, be deemed to have agreed to accept a renewable lease at the rental so determined and to surrender his existing lease. 15

(6.) Where any person has within two years after the passing of this Act accepted or agreed to accept a renewable lease under the provisions of this section, and the rental payable thereunder is less than the rental payable under the lease surrendered in exchange therefor, the smaller rental shall be deemed to have been the rental payable by him under the lease so surrendered as from the commencement of the term thereof, and any amount already paid by way of rent in excess of this smaller rental by the lessee (but not by his predecessors in title) shall be credited to him in part payment of the rent payable by him under the renewable lease so obtained by him. 20 25

Owner of lease in
perpetuity may
purchase fee-simple.

19. (1.) Every owner of a lease in perpetuity shall have a right at any time hereafter during the existence of the lease to purchase the fee-simple of the land comprised in the lease at a price equal to the capital value of the said land at the time of the purchase thereof. 30

Capital value
determined by
valuation or
arbitration.

(2.) The said capital value shall be determined by valuation or arbitration in manner hereinafter in this section provided, and shall include the value of all minerals other than gold and silver, but shall not include the value of any improvements placed on the land during the continuance of the lease. 35

(3.) The right of purchase hereby conferred shall be exercised by giving to the Commissioner a notice in writing of the intention of the lessee to purchase the land. 40

(4.) The delivery of such notice shall constitute a contract between the lessee and the Crown for the purchase and sale of the said land at a price to be determined by valuation or arbitration in manner hereinafter provided, and the full purchase-money of the said land shall be due and payable by the purchaser within one year after the date of the said notice. 45

(5.) As soon as practicable after the receipt of any such notice the Board shall cause the fee-simple of the said land to be valued by an appraiser to be appointed by the Board, and a copy of the valuation so made shall be delivered to the lessee. 50

(6.) The valuation so made shall be conclusive unless the lessee, within two months after the delivery of such copy thereof, gives

written notice to the Board that he requires the value of the said land to be determined by arbitration.

(7.) If such notice is given as is mentioned in the *last preceding* subsection, the value of the said land shall be determined by arbitration in manner provided by section *twelve* hereof.

(8.) If the lessee makes default in the payment of the said purchase-money, the Board may in its discretion cancel and determine the said contract of purchase, but such cancellation shall not prevent the lessee or his assigns, at any time after the expiration of ten years thereafter, from giving a further notice of intention to purchase, and on such notice the same proceedings may be taken as in respect of a first notice.

Default in payment of purchase-money.

(9.) All costs and expenses incidental to the exercise of the right of purchase conferred by this section shall be paid and borne by the lessee.

(10.) On the completion of such purchase the lease shall determine, but the fee-simple so purchased shall be subject to any right, title, interest, or incumbrance which is vested in any person other than the lessee, and by which at the time of such completion the lease is affected.

Determination of lease.

(11.) The provisions of section *fifty-five* hereof as to the limitation of areas shall apply to the exercise of a right of purchase under this section, as if the purchaser were not already in occupation of the land in respect of which the right of purchase exists.

Section 55 to apply to right of purchase by lessee.

(12.) The Governor may, by Order in Council gazetted, make such regulations as he considers necessary for carrying into effect the provisions of this section.

Regulations.

(13.) The proceeds derived from any sale of land under the provisions of this section shall be paid into the Land for Settlements Account.

(14.) The provisions of this section shall not apply to land which is subject to the provisions of the Land for Settlements Consolidation Act, 1900.

20. (1.) In order to facilitate the settlement of land which in the opinion of the Board is not likely to be immediately productive or profitable, any such land may with the consent of the Minister be opened for selection by way of renewable lease on the special conditions contained in this section.

Special provision as to renewable leases of land not immediately productive.

(2.) A renewable lease of any such land shall contain a provision that no rent shall be payable thereunder during such period as the Board, with the consent of the Minister, shall determine, not exceeding ten years after the commencement of the first term of sixty-six years.

21. For the benefit of persons who desire to select rural land for themselves or their families, but whose vocations are such as to prevent them from complying with the residence conditions of the principal Act, the following provisions shall have effect with respect to rural lands (not being pastoral lands) :—

Modification of residence conditions in special cases.

(a.) The Governor may from time to time make special regulations under which such persons may select land on the renewable-lease system with absolute or qualified relief from the residence conditions of the principal Act.

- (b.) Such regulations may impose special conditions as to the area which may be selected and the improvements which must be effected, and special limitations or restrictions on the disposal of the land or any part thereof by sale, lease, mortgage, devise, or otherwise. 5
- (c.) Such regulations may modify the provisions of the principal Act or this Act in the case of lands to which they relate.
- (d.) In the case of lands selected under such regulations, the provisions of the principal Act and this Act shall be deemed to be modified in so far as they are inconsistent with the regulations, but not further or otherwise. 10
- (e.) All such regulations shall be signed by the Minister, and shall be laid before both Houses of Parliament; and no such regulation shall come into force until approved of by resolution of each House. 15

Miscellaneous.

22. Section three of the principal Act is hereby amended as follows:—

- (a.) By omitting the words "the principal officer" in the definition of "Surveyor-General," and substituting therefor the words "the officer in charge of the technical branch"; and 20
- (b.) By inserting the following:—
"Under-Secretary means the principal officer of the Department of Lands and Survey, or his deputy."

23. Section ten of the principal Act is hereby amended by omitting the words "Native lands," and substituting therefor the words "lands, whether Crown lands or not." 25

24. (1.) Section sixty-two of the principal Act is hereby amended by omitting all the words of paragraph (1) thereof after the words "if made on the same day." 30

(2.) Section sixty-two of the principal Act is hereby further amended by omitting the words "set forth in the Schedules to this Act," and substituting therefor the words "prescribed by regulations made by the Governor from time to time by Order in Council gazetted." 35

(3.) Schedules A, B, C, D, and E of the principal Act are hereby repealed.

25. With respect to the deposit which by section sixty-four of the principal Act as amended by paragraph (4) of section two of the Land Act Amendment Act, 1893, the applicant for unsurveyed land is required to make for the estimated cost of the survey, the following provisions shall be deemed to have applied from the time of the coming into operation of the principal Act:— 40

- (a.) Such deposits shall be applied in or towards defraying the cost of the survey. 45
- (b.) The amount to be credited to each selector pursuant to section sixty-five of the principal Act shall be the amount of his deposit for the estimated cost of the survey.
- (c.) Where the area as surveyed exceeds the estimated area applied for, a deposit of the additional cost of the survey shall be made before the application is finally approved. 50

Sect on 3 of principal Act amended.

Section 10 of principal Act amended.

Section 62 of principal Act amended.

Repeal.

Application of deposit on unsurveyed land.

(d.) If the area as surveyed is greater or less than the estimated area applied for, this circumstance shall not exempt the applicant from the forfeiture of his deposit as provided for in paragraph (3) of section sixty-four of the principal Act.

5 26. Section sixty-eight of the principal Act is hereby amended by inserting after the words "second-class lands" the words "or three thousand acres of third-class lands." Section 68 of principal Act amended.

10 27. (1.) A lessee or licensee, or a transferee or sublessee of a lessee or licensee, at any time after he has resided continuously for a period not less than two years on the land included in the lease or license may, with the permission of the Board and the Minister, but not otherwise, assign, mortgage, charge, or otherwise dispose of his interest in the land or may sublet the land : Powers of lessee or licensee to dispose of interest in land.

15 Provided that when by reason of special and unforeseen circumstances an assignment, mortgage, sublease, or other disposition becomes, in the opinion of the Board and the Minister, necessary or desirable, such permission may be granted and such disposition may be made although no such residence has taken place.

20 (2.) The foregoing provisions shall apply to all leases and licenses, whether granted before or after the passing of this Act, but shall not apply so as to limit or affect the right of transfer or disposal vested in licensees of pastoral runs under Part VI of the principal Act.

25 (3.) The provisions of this section are in substitution for those of paragraph (1) of section eighty-three of the principal Act, and that paragraph is hereby accordingly repealed. Repeal.

30 28. Paragraph (2) of section one hundred and eleven of the principal Act is hereby amended by omitting the word "fourteen," and substituting therefor the word "twenty-one"; and by inserting after the words "upset price of such lands" the words "or on such lesser price as the Minister on the recommendation of the Board directs." Leasing of town lands.

35 29. (1.) All rural lands may be classified by the Board into first-class, second-class, and third-class lands, and the capital value thereof shall be fixed by the Board at the prices following, that is to say :— Classification and cash price of rural lands.

(a.) First-class lands, at a capital value not less than *one* pound per acre ;

(b.) Second-class lands, at a capital value not less than *ten* shillings per acre ; and

(c.) Third-class lands, at a capital value not less than two shillings and *sixpence* per acre.

40 (2.) This section is in substitution for section one hundred and twelve of the principal Act, which section is hereby accordingly repealed. Repeal.

45 30. (1.) Section one hundred and thirteen of the principal Act, as amended by paragraph (4) of section three of the Land Act Amendment Act, 1893, is hereby amended by omitting the words "in the last preceding section." Section 113 of principal Act amended.

(2.) Paragraph (4) of section three of the Land Act Amendment Act, 1893, is hereby repealed. Repeal.

50 31. Before disposing of any land under section one hundred and fifteen of the principal Act the Board shall advertise the application at least three times in some newspaper circulating in the district. Application for unsurveyed land to be advertised.

32. Section one hundred and sixteen of the principal Act is hereby amended by inserting after the words "by public auction" Section 116 of principal Act amended.

the words "or by tender," and after the word "grazing" the words "or other."

Payment of rates by
Crown tenants.

33. Section one hundred and twenty-four of the principal Act is hereby amended by omitting all the words after the word "forfeited" to the end of the third paragraph thereof, and substituting therefor the following words: "and the Board may in any case declare that any rates (not exceeding two years' arrears) due by an outgoing lessee or licensee are a charge upon any moneys received or receivable by the Board from an incoming lessee or licensee for improvements on the land, and may pay to any local authority out of such moneys the amount of the rates so charged thereon." 5 10

Thirds and fourths.

34. The right of local authorities to thirds and fourths under section one hundred and twenty-six of the principal Act shall not be affected by the allowance of any rebate under the Crown Tenants' Rent Rebate Act, 1900. 15

Duration of thirds.

35. Section one hundred and twenty-seven of the principal Act is hereby amended by adding thereto the following paragraph:—
“(5.) Nothing herein shall authorise the payment in respect of any land of any sum greater than the third or fourth, as the case may be, of fifteen years' rent, notwithstanding that the land may be let in succession to two or more different tenants or that the lease or license thereof may be renewed.” 20

Section 151 of
principal Act
amended.

36. Section one hundred and fifty-one of the principal Act is hereby amended by inserting the words "lessees and" before the word "licensees"; and by adding at the end of the section the following paragraph, which shall be deemed to have been contained in the principal Act as from the date of the passing thereof:— 25

“In the case of any lease or license granted under the authority of any former Land Act which contains provisions for the renewal of such lease or license on its expiration by effluxion of time, nothing in this Act shall take away or affect such right of renewal.” 30

Right of exchange
under section 160. of
principal Act not to
apply to small
grazing or pastoral
runs.

37. The provisions of section one hundred and sixty of the principal Act, and of section fifteen of the Land Act Amendment Act, 1895, shall not apply to leases of small grazing-runs or pastoral runs, whether granted under the principal Act or any Act thereby repealed. 35

Not more than one
run to be held.

38. Section one hundred and ninety-three of the principal Act is hereby repealed, and the following substituted therefor:—
“It shall not be competent for any person, except on the recommendation of the Board and with the approval of the Minister, to hold more than one run of any kind under this Part of this Act, and such recommendation and approval may be given either before or after an application has been made, or a bid given at auction.” 40

Holder of pasturage
lease or license may
cultivate portion of
his run.

39. (1.) With the consent of the Minister the Land Board may permit the holder of any pasturage lease or license under Part VI of the principal Act to cultivate a portion of his run for the purpose of growing winter feed for the stock depastured thereon, and also to plough and lay down in grass an additional area not exceeding three thousand acres, such additional area to be specially valued in the same manner as is provided by section two hundred and seven of the principal Act at the termination of the lease or license, and the value of such improvements as determined by valuation to be paid over by the incoming lessee to the outgoing lessee as is therein provided. 45 50

- (2.) The holder of any such pasturage lease or license may, with the permission of the Land Board, bring such area of his run under crop as is sufficient for the use and maintenance of himself and family only, subject to conditions to be prescribed by the Board as to cultivation thereof by means of a proper rotation of crops, and to the condition that he shall, on the termination of such lease or license, leave the whole of the aforesaid area properly laid down in good permanent cultivated grasses and clovers to the satisfaction of the Board.
- 5 40. Section two hundred and twenty-one of the principal Act is hereby amended by omitting the words "unsold Crown lands within one quarter of a mile," and substituting therefor the words "unfenced and uncultivated pastoral lands not within one mile of a homestead but within one quarter of a mile." Depasturing stock on Crown land.
- 10 41. Section two hundred and thirty-five of the principal Act is hereby amended by adding after the word "prisons," in paragraph (2) thereof, the words "police-stations, post and telegraph offices." Reserves for police-stations, &c.
- 15 42. Nothing in the Kauri-gum Industry Act, 1898, shall affect or interfere with the powers of the Land Board under Part VII of the principal Act in respect of kauri-gum reserves. Powers of Land Board over kauri-gum reserves.
- 20 43. Section one hundred and forty-four of the principal Act is hereby amended by omitting all words from and including "on first-class land" to "ten shillings per acre," and substituting therefor the words "to the value of one pound for every acre of first-class land, ten shillings for every acre of second-class land, and two shillings and 25 *sixpence* for every acre of third-class land." Section 144 of principal Act amended.
- 25 44. Section one hundred and seventy-four of the principal Act is hereby amended by inserting at the commencement thereof the words "Except on the recommendation of the Board and with the approval of the Minister," and by omitting the words "or (4) Who is disqualified under any provision of this Act." Section 174 of principal Act amended.
- 30 45. Section two hundred and forty-four of the principal Act is hereby amended by omitting the words "six hundred and forty acres," and substituting therefor the words "the limits of area fixed by this Act for Crown lands of a similar character and class." Section 244 of principal Act amended.
- 35 46. The Receiver of Land Revenue shall deduct from all moneys payable to any local authority in respect of royalties received for the cutting of timber or flax on Crown lands a sum equal to *ten pounds per centum* of such moneys as expenses incidental to the receipt of such royalties and to the granting of the licenses or leases under which they are payable. Deductions for expenses from moneys payable in respect of royalties.
- 40 47. (1.) The Board may, with the consent in each case of the Minister, dispose of any Crown lands by way of sale in fee-simple as a site for a dairy factory, cheese-factory, or creamery. Sale of Crown lands for certain purposes.
- (2.) No allotment so disposed of shall exceed five acres or be sold at a less price than one pound per acre.
- 45 (3.) The provisions of the principal Act relating to declaration, formal application, or public auction shall not apply to a sale of land under the provisions of this section.
- 50 48. (1.) In cases where a ballot is required those applicants who are landless shall have preference over those who are not, and the decision of the Board as to which of the applicants are landless shall be final and conclusive. Landless applicants to have preference.

(2.) An applicant is landless within the meaning of this section if he does not hold under any tenure such area of land, whether Crown land or not, as is in the opinion of the Board sufficient for the maintenance of himself and his family.

(3.) In the case of a husband and wife (except when they are judicially separated), if either of them is not landless, neither of them shall be deemed to be landless. 5

Preference to certain other classes of applicants:

49. In cases where a ballot is required preference shall be given, subject to the preference provided for in the *last preceding* section, to the following classes of applicants, who shall rank equally with each other:— 10

(a.) Married men with children:

(b.) Widowers with children:

(c.) Widows with children:

(d.) Married women with children, and judicially separated from their husbands. 15

Preference to former unsuccessful applicants.

50. In cases where a ballot is required preference shall be given, subject to the preference provided for in the last *two* preceding sections, to applicants who within the previous two years have competed unsuccessfully at any other land-ballot, whether under the principal Act or under the Land for Settlements Consolidation Act, 1900. 20

Regulations as to conduct of ballots.

51. (1.) The Governor may by Order in Council make regulations as to the mode in which ballots are to be conducted, in order to render effectual the provisions as to preference contained in this Act.

(2.) In default of any such regulations, or so far as they do not extend, the Board shall have power to make any such arrangements for this purpose as it considers fit. 25

Decision of Board to be final.

52. The decision of the Board as to the rejection or preference of any applicant shall be final and conclusive.

Board may examine applicants before ballot.

53. Before taking a ballot or otherwise disposing of applications for land the Board may, in such manner as it thinks fit, inquire into all matters affecting an applicant's suitability or his right of preference under this Act, and may reject any applicant who refuses or fails to answer any inquiries as to such matters to the satisfaction of the Board. 30

Restriction on successful applicant who has disposed of allotment.

54. (1.) Every person who has been successful in any land-ballot, whether under the principal Act or under the Land for Settlements Consolidation Act, 1900, and who has made any disposition of his allotment or any part thereof, whether by way of assignment or sublease, shall be disqualified for the period of five years after the date of such disposition from taking part in any land-ballot, whether under the principal Act or under the Land for Settlements Consolidation Act, 1900. 35 40

(2.) In all cases not included in the preceding subsection a selector who makes an assignment of his lease or license shall be disqualified for five years thereafter from obtaining any lease or license under the principal Act, unless under special circumstances and with the permission of the Board. 45

Limit of area to be acquired.

55. (1.) No person shall be capable of acquiring under Part III or Part IV of the principal Act any land which, together with all other land (whether Crown land or not) owned, held, or occupied under any tenure, either severally or jointly or in common with any other person, would exceed a total area of three thousand acres calculated in manner hereinafter provided. 50

(2.) No married woman (other than a married woman who has obtained a judicial separation or a protection order) shall be capable of acquiring under Part III or Part IV of the principal Act any land which, together with all other land (whether Crown land or not) owned, held, or occupied under any tenure, either severally or jointly or in common with any other person, and whether at law or in equity, would exceed a total area of one thousand five hundred acres calculated in manner hereinafter provided.

(3.) This section shall apply to the acquisition of any lease or license by assignment, and to the taking of a sublease of land included in any lease or license, in the same manner as to the original acquisition of such a lease or license.

(4.) Nothing in this section contained shall prevent the acquisition of any lease or license by any executor, administrator, trustee, or beneficiary under any will or intestacy.

(5.) Nothing in this section contained shall prevent the assignment of any lease or license to any person by way of mortgage.

(6.) In estimating for the purposes of this section the area of land already owned, held, or occupied by any person no account shall be taken of land vested in such person as a trustee, mortgagee, executor, or administrator only, if the persons beneficially interested in such land have no beneficial interest in the lease or license so acquired.

(7.) For the purpose of computing the total area mentioned in this section every acre of first-class land shall be reckoned as four and a half acres, and every acre of second-class land shall be reckoned as one and a half acres.

(8.) Any land which has not been classified shall for the purposes of this section, if of an unimproved value of one pound per acre or upwards, be deemed to be first-class land; and if of an unimproved value of less than one pound but not less than ten shillings, shall be deemed to be second-class land; and if of an unimproved value of less than ten shillings, shall be deemed to be third-class land.

(9.) Land held under lease, the term of which expires within three months, shall not be deemed to be land held or occupied within the meaning of this section, unless the lessee has a right to a renewal of such lease.

(10.) Sections ninety-three and ninety-six of the principal Act, and paragraph (11) of section three of the Land Act Amendment Act, 1893, are hereby repealed.

Repeal.

56. In any case where in the opinion of the Board the land held by a selector is insufficient for the maintenance of himself and family, the Board may in its discretion, but subject to the approval of the Minister, permit him to acquire any land, whether contiguous or not, without such land being first opened for public selection, and notwithstanding any restriction contained in the principal Act as to the number of sections which any selector may hold.

Selector may acquire additional land.

57. The Board shall have power in granting any lease or license to create thereby any right-of-way, water-rights, or other easements, so as to make the same appurtenant to the land comprised in the lease or license, or so as to make that land subject thereto.

Board may create easements.

58. (1.) On the death of the owner of any lease or license his executors or administrators shall have power to assign the lease or

Powers of executors &c., on death of lessee or licensee.

license to any qualified person, but the consent of the Board shall be necessary for any such assignment.

(2.) The executors, administrators, or trustees of the deceased owner of any lease or license may continue to hold the same in trust for the persons beneficially entitled thereto under the will or intestacy of the deceased, and the conditions as to residence may be fulfilled by the persons so beneficially entitled, or by any of them, as if they were the owners of the lease or license. 5

(3.) If no probate is granted or letters of administration issued within three months after the death of the owner of a lease or license, and the Commissioner of Crown Lands is of opinion that the lease or license is of so small a value that it is expedient to exercise the powers hereby conferred upon him, he may either sell the lease or license and execute a transfer of the same to any qualified person, and receive the purchase-money on account of the persons entitled thereto under the will or intestacy of the deceased, or he may execute a transfer of the lease or license to the persons entitled thereto under the said will or intestacy, or to any one or more of them in trust for all. 10 15

Repeal.

(4.) Section one hundred and fifty-four of the principal Act and section nine of the Land Act Amendment Act, 1895, are hereby repealed. 20

Section 182 of principal Act amended.

59. Section one hundred and eighty-two of the principal Act is hereby amended by inserting after the words "existing lessee" the words "not earlier than two years, and" in the first paragraph thereof. 25

Deposit where only one application.

60. Where there is only one application for any land, the deposit required by section sixty-three of the principal Act shall be calculated on the upset price, and shall be paid not later than the hour fixed for the ballot; and where the hour for the ballot is not fixed, the deposit shall be paid not later than noon on the first day that the office is opened for business following that on which the application was received, and if not then paid the application shall lapse. 30

Purchaser failing to fulfil conditions liable to forfeiture of interest in cash lands under Part III of principal Act.

61. (1.) If any purchaser of cash lands under Part III of the principal Act, holding the same under a certificate of occupation, fails to fulfil the conditions as to improvements contained in section one hundred and forty-eight of that Act within the time therein limited, the Board may declare that his estate and interest in the said land is forfeited, and the said estate and interest shall thereupon cease and determine. 35

(2.) In the case of any such forfeiture the improvements on the land shall be dealt with as provided in sections seventy-two to seventy-seven of the principal Act. 40

(3.) This section shall apply to persons who have become purchasers of such lands as aforesaid before the coming into operation of this Act, but in the case of such persons no such forfeiture shall take place if within the period of seven years after the coming into operation of this Act they fulfil the said conditions as to improvements. 45

PART II.

LAND FOR SETTLEMENTS.

50

This Part deemed part of Land for Settlements Consolidation Act.

62. This Part of this Act shall be read together with and be deemed part of the Land for Settlements Consolidation Act, 1900 (hereinafter in this Part of this Act referred to as the principal Act).

63. (1.) After the passing of this Act no land acquired under the principal Act or subject to the provisions thereof (hereinafter called settlement land) shall be disposed of by way of lease in perpetuity, but all such land may be disposed of by way of renewable lease in accordance with the provisions of Part I of this Act, but subject to the provisions hereinafter contained.
- (2.) The term of the lease shall be thirty-three years, with a perpetual right of renewal for further successive terms of thirty-three years.
- (3.) No such lease shall be granted at a lower yearly rental than five pounds per centum of the capital value of the land as determined by the Minister in accordance with section fifty-one of the principal Act.
- (4.) On the renewal of any renewable lease of settlement land the rental shall be determined as in the case of a renewable lease of Crown lands under Part I of this Act, save that the said rental may amount to but shall not exceed five pounds per centum of the then value of the land as determined in accordance with the provisions of Part I of this Act.
64. All provisions contained in the principal Act or its amendments with respect to leases in perpetuity shall apply to renewable leases, except so far as expressly excluded or modified by the provisions of this Act.
65. (1.) In every case in which settlement land is to be disposed of by way of lease under the provisions of section forty-nine of the principal Act, those provisions shall be subject to the modifications hereinafter in this section contained.
- (2.) Save as hereinafter provided, such land shall not be disposed of by way of ballot, but shall be disposed of by way of public tender, and shall be leased to the applicant who makes the highest tender, subject, however, to the provisions as to the minimum rental hereinbefore contained.
- (3.) The provisions of the said section forty-nine of the principal Act as to the preference of certain classes of applicants over others shall not apply to the disposal of land by way of tender.
- (4.) If two or more applicants tender the same amount for the same allotment, the right to the lease shall be determined as between them by ballot in accordance with the provisions of the principal Act, with any necessary modifications. The provisions of the said Act as to the preference of certain classes of applicants over others shall continue to apply to a ballot taken under this subsection.
- (5.) The Governor may, by Order in Council gazetted, make regulations with respect to the procedure to be adopted in disposing of settlement land by tender or ballot as aforesaid.
66. (1.) When any land is taken compulsorily under the provisions of the principal Act, the value thereof for the purpose of assessing compensation shall be the capital value of that land as assessed in the valuation roll in force under the provisions of the Government Valuation of Land Act, 1896, at the time when the requisition is gazetted for the taking of that land:
- Provided that if the owner proves that the value of the land so to be taken has increased since the date of the said valuation, the amount of such increase shall be added to the said valuation.

No settlement land to be disposed of by lease in perpetuity.

Term of lease.

Minimum rental.

How rental on renewed lease to be determined.

Provisions as to lease in perpetuity to apply to renewable lease.

Former provisions as to disposition of settlement land modified.

Value of land taken compulsorily under principal Act, how calculated.

(2) There shall be payable by way of compensation, in addition to the value of the land ascertained as aforesaid, a sum calculated in manner following :—

- (a.) Where the value ascertained as aforesaid exceeds fifty thousand pounds, an addition of two pounds ten shillings per centum of such value : 5
- (b.) Where the said value does not exceed fifty thousand pounds but exceeds twenty-five thousand pounds, an addition of five pounds per centum of such value :
- (c.) Where the said value does not exceed twenty-five thousand pounds, an addition of ten pounds per centum of such value. 10

Provisions as to leases in perpetuity, &c.

67. Subject to the provisions contained in this Part of this Act, all the provisions of Part I of this Act with respect to leases in perpetuity and to renewable leases shall apply respectively to leases in perpetuity and renewable leases of settlement land. 15

Section 12 of principal Act modified.

68. The provisions of paragraphs (1), (2), and (4) of section twelve of the principal Act shall not apply to land required to be taken merely in order to adjust, rectify, or make more convenient the boundary of any estate acquired under that Act. 20

Section 13 of principal Act amended.

69. Paragraph (2) of section thirteen of the principal Act is hereby amended by omitting the words "such borough," and substituting therefor the words "any borough."

Land required for public work may be sold.

70. (1.) Notwithstanding anything to the contrary in the principal Act, land acquired under that Act may, with the consent of the Minister, be disposed of to any local authority by way of sale in fee-simple for any public work. 25

(2.) The price shall in each case be fixed by the Minister, and shall not be less than the cost of the land (including in the cost all expenses incurred under the principal Act in connection with the land). 30

(3.) The proceeds of the sale shall be paid into the Land for Settlements Account.

Power to exchange lands.

71. (1.) The Governor may from time to time exchange any land acquired under the principal Act for any other land, and may on such exchange pay or receive any sum by way of equality of exchange, and the land acquired by such exchange shall be deemed to have been acquired under the principal Act. 35

(2.) All sums so paid shall be paid out of the Land for Settlements Account, and all sums so received shall be paid into that account. 40

Regulations.

72. Regulations under the principal Act may be made applicable only to one or more settlements, or to one or more sections of a settlement, specified in such regulations.

Repeal.

73. Section eight of the Land for Settlements Amendment Act, 1901, is hereby repealed. 45