

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Hon. Mr. McNab.

LAND LAWS AMENDMENT.

ANALYSIS.

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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.

**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.

**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.

(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.

**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.

**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.

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 :—

Valuation prior to expiry of lease.

- 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 :
- 10 (b.) A valuation of the fee-simple of the said land, not taking the said improvements into account :
- 15 (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.
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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.

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Notice to be given by Commissioner requiring election by lessee.

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.

- 30 (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
- (c.) That he does not desire a renewed lease, but requires the improvements to be valued by arbitration ; or
- 35 (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.

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.

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Omission by lessee to give notice of election.

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.

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Omission by Board to make valuation.

Appointment of arbitrators.

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 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. 5

(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. 10

(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. 15

(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. 20

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. 25

(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. 30

(3.) Any such election to accept a renewed lease shall amount to a binding agreement to accept the such 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. 35

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. 40

(2.) If the said improvements have become for any reason appreciated or 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 appreciation or depreciation shall be assessed in manner provided by sections ~~seven to twelve~~, and shall be added to or deducted from the value as so determined. 45

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, stone, or other valuable materials existing below the surface of the land, but shall not include kauri-gum. 50

(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.

(4.) It shall be lawful for the Board, with the consent of the Minister, to grant to the owner of a renewable lease a license to extract or remove any minerals, except gold and silver, from the land in consideration of such royalties or other payments, and on

5 such terms and conditions, as the Board and the Minister think fit :

Provided that nothing herein shall interfere with the operation of any enactment relating to mining in respect to the land subject to the lease.

(5.) Nothing herein shall be construed to prevent the owner of a

10 renewable lease from using on the land subject to the lease any minerals for any agricultural, pastoral, household, road-making, or building purpose.

16. (1.) Any owner of a renewable lease or of a lease in per-

15 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.

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

(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

20 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 not less in the aggregate than thirty-three per centum of the said

25 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

30 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 thirty-three 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

45 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~~ *Public Account to the credit of the same fund or account as the rent reserved by the lease.*

(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.

*New subclause.*

(11.) Nothing in this section shall so operate as to affect the right of any local authority to the payment of "thirds" as provided by section one hundred and twenty-six of the principal Act. Such payments shall, in the case of lands the rent of which is reduced under the provisions of this section, be payable in such manner and either out of the rent received from such land or out of the interest payable under subsection *eight* of this section as the Governor from time to time prescribes by regulations made under the authority of this Act. 5

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

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. 15

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

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. 20

(2.) The rental payable under any renewable lease so obtained shall be ~~five~~ *four pounds ten shillings* per centum of the capital value of the land in the case of land subject to the provisions of the Land for Settlements Consolidation Act, 1900, and four per centum of the said value in the case of all other land. 25

(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. 30

(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. 35

(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. 40

(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. 45 50

(7.) The term of a renewable lease granted under the provisions of the *last preceding* subsection shall be calculated from the day on which the term of the surrendered lease commenced.

*New subclause.*

5 (8.) In the case of land subject to the provisions of the Land for Settlements Consolidation Act, 1900, a renewable lease obtained in pursuance of this section shall be subject to the provisions of section seventy-six of this Act.

10 19. Any owner of a lease under the Mining Districts Land Occupation Act, 1894, or under regulations for the occupation of pastoral lands within a mining district made under section four of the Land Act, 1892, section thirty-eight of the Mining Act, 1898, and section thirty-nine of the Mining Act, 1905, who has complied with all the conditions thereof to date shall, with the consent of  
15 the Board, have a right to surrender his lease and to obtain in lieu thereof a renewable lease of the same land under the provisions of Part I of this Act :

Owner of lease under the Mining Districts Land Occupation Act, 1894, may obtain renewable lease in lieu thereof.

Provided that the Warden of the mining district in which such land is situate approves of such renewable lease being granted.

20 20. (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.

Owner of lease in perpetuity may purchase fee-simple.

25 (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.

Capital value determined by valuation or arbitration.

30 (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.

35 (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.

40 (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.

45 (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.

50 (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 pre-

Default in payment of purchase-money.

vent 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.

(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. 5

Determination of lease.

(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. 10

Section 36 to apply to right of purchase by lessee.

(11.) The provisions of section thirty-six 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. 15

Regulations.

(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. 20

(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. 25

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

21. (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. 30

(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. 35

Modification of residence conditions in special cases.

22. 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 :— 40

(a.) The Governor may from time to time make special regulations under which such persons may select land with absolute or qualified relief from the residence conditions of the principal Act. 45

(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. 50

(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.

5 (e.) All such regulations shall be laid before both Houses of Parliament; and no such regulation shall come into force until referred to the Lands Committee of each House of the General Assembly, and approved of by resolution of each House.

10 23. A renewable lease shall be deemed to have been granted under Part III of the principal Act and to be subject to the provisions thereof as modified by this Act, and to all other provisions contained in any other Act and relating to leases granted under Part III of the principal Act.

Renewable leases to be subject to Part III of principal Act.

15 *Miscellaneous.*

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

Section 3 of principal Act amended.

(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

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(b.) By inserting the following:—

"Under-Secretary" means the principal officer of the Department of Lands and Survey, or his deputy."

25 25. Section four of the principal Act is hereby amended by inserting *re-enacting*, after the words "for imposing any reasonable," the words "charge for surveys or."

Section 4 of principal Act amended.

26. Section ten of the principal Act is hereby amended by omitting the words "carried on for the purposes of this Act, or of any Act or Acts for the time being in force relating to Native lands."

Section 10 of principal Act amended.

30 27. (1.) Section forty-one of the principal Act is hereby amended by omitting the words "not less than two or more than," and also by omitting all words after the word "members."

Amended constitution of Land Boards.

35 (2.) Of the members of every Land Board (other than the Commissioner of Crown Lands) three shall be appointed and removable by warrant under the hand of the Governor, and one shall be elected by the persons and in the manner hereinafter mentioned.

(3.) No member of the General Assembly shall be eligible to be a member of the Land Board, and if any member of a Land Board is elected or appointed to the General Assembly during his term of office he shall thereupon vacate his office as a member of the Board.

40 (4.) The first election of an elective member of any Land Board shall take place on the first occurrence after the ~~first day of January, nineteen hundred and eight, of any vacancy in the membership of that Board, and until passing of this Act of any vacancy already existing at the~~  
45 *date of the passing of this Act, then as soon as practicable after that date. Until any such vacancy occurs the constitution of that Board shall continue to be the same as if this Act had not been passed. Subsequent elections shall take place as often as any elective mem-*  
50 *ber vacates his seat on the Board.*

(5.) Every elective member of a Land Board shall be elected by the persons who on the first day of January preceding the election were the owners of any lease or license of or in respect of Crown lands situated within the land district of the Board. Every such owner shall have one vote, save that if two or more persons are the owners jointly or in common of any such lease or license they shall have one vote between them. 5

(6.) The election of elective members of Land Boards shall take place in accordance with regulations made by the Governor by Order in Council gazetted. 10

(7.) No act done by any Land Board shall be deemed invalid or illegal because of any defect or error in the appointment or election of any member of such Board, or because of the fact that the number of the members of such Board was incomplete at the time at which such act was done. 15

(8.) Any dispute as to the validity of the election of any member of a Land Board shall be determined by the Commissioner of Crown Lands, whose decision shall be final and conclusive.

(9.) Section forty-three of the principal Act is hereby amended by inserting, after the words "date of," the words "his election or," and also by inserting, after the word "reappointed," the words "or re-elected." 20

(10.) Section forty-four of the principal Act is hereby amended by omitting the words "appoint such duly qualified person as he shall think fit to supply such vacancy," and substituting the words "take the necessary steps for the election or appointment, as the case may be, of some other person to supply such vacancy." 25

(11.) Section forty-five of the principal Act is hereby amended by adding thereto, after the word "appointed," the words "or elected."

Section 62 of principal Act amended.

28. (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 "in such one of the forms set forth in the Schedules to this Act," and substituting therefor the words "to the effect that the applicant is legally qualified to acquire the land applied for. Such declaration shall be in such one of the forms prescribed by regulations made by the Governor from time to time by Order in Council gazetted." 35

Repeal.

(3.) Schedules A, B, C, D, and E of the principal Act are hereby repealed. 40

Consequential amendments of principal Act.

29. (1.) Section ninety-seven of the principal Act is hereby amended by omitting the words "referred to in the Schedule A hereto, and the necessary alterations shall be made in such forms accordingly," and substituting the words "required by this Act." 45

(2.) Section one hundred and forty-eight of the principal Act is hereby amended by omitting the words "in the form or to the effect of Schedule A, which may be altered to meet the case," and substituting the words "in the same form, subject to all necessary modifications, as if he were a purchaser of cash lands." 50

(3.) Section one hundred and ninety-five of the principal Act is hereby amended by omitting the words "in the form in the Schedule E hereto," and substituting the words "required by this Act."

(4.) Section two hundred and one of the principal Act is hereby amended by omitting the words "in form in Schedule E hereto," and substituting the words "in the same form, subject to all necessary modifications, as if he were an applicant for a lease or license under this Part of this Act."

30. 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.

Deposit where only one application.

31. 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:—

Application of deposit on unsurveyed land.

(a.) Such deposits shall be applied in or towards defraying the cost of the survey.

(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.

(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.

32. Section sixty-eight of the principal Act is hereby amended by inserting, after the words "second-class lands," the words "or five thousand acres of third-class lands."

Section 68 of principal Act amended

33. (1.) When, after the passing of this Act, the owner of a renewable lease or lease in perpetuity makes or proposes to make any improvements on the land subject to the lease, he shall be entitled on application to the Commissioner to have particulars of the nature of such improvements and of the state and condition of the land before the making of such improvements recorded by the Commissioner in such manner as is prescribed by regulations.

Provision for recording improvements.

(2.) Every such record shall be permanently preserved by the Commissioner, and shall at all times be receivable as sufficient evidence of the facts therein recorded in all matters and proceedings touching the value of improvements made on the said land.

(3.) The Governor may from time by time, by Order in Council gazetted, make regulations for carrying into effect the provisions of this section, and providing for the payment by lessees of the costs and expenses incurred by the Commissioner in ascertaining the particulars so to be recorded by him.

(4.) Such regulations may provide for the supply to any person interested of a copy of any such record.

*Struck out.*

Section 81 of the  
principal Act  
amended.

34. (1.) In subsection two of section eighty-one of the principal Act the words "or for any transfer thereof" shall be omitted.  
(2.) It is hereby enacted that there shall be paid a fee of ten shillings for the consent and registration of every transfer of a lease, license, or other instrument granted under the principal Act.

5

*New clause.*

Section 81 of  
principal Act  
amended.

34A. Section eighty-one of the principal Act is hereby amended by omitting from paragraph (2) thereof the words "or for any transfer thereof respectively a fee of twenty-one shillings for the lease and registration thereof," and substituting the words "a fee of twenty-one shillings, and for every transfer of any lease or license a fee of ten shillings, such fees to include the cost of the registration of the instrument in respect of which they are paid."

10

Assignment by  
lessee.

35. (1.) A lessee or licensee, or the sublessee of a lessee or licensee, shall not be entitled to assign or otherwise dispose of his interest in the land subject to the lease or license except by way of mortgage, or to sublet the land, unless in either case he has resided continuously thereon for a period not less than two years, and then only with the permission of the Board and the Minister:

15

Provided that where by reason of special and unforeseen circumstances an assignment, sublease, or other disposition becomes in the opinion of the Board and the Minister desirable, such disposition may be permitted although no such residence has taken place.

20

(2.) This section 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.) This section is in substitution for paragraph (1) of section eighty-three of the principal Act, and that paragraph is hereby accordingly repealed.

30

Limit of area to be  
acquired.

36. (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 of more than one year's duration, either severally or jointly or in common with any other person, would exceed a total area of five thousand acres calculated in manner hereinafter provided.

35

(2.) For the purposes of this section the interest of a Maori in any land that has not been partitioned shall not be deemed to be land owned, held, or occupied by such Maori.

(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.

40

(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.

45

(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.

50

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

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

(9.) Land held under lease, the term of which expires within nine 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.

15 (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.

*Struck out.*

20	37. Paragraph (2) of section one hundred and eleven of the principal Act is hereby repealed, and the following substituted therefor:—	Section 111 of principal Act amended.
25	“(2.) May be let for any time not exceeding twenty-one years at a rent not less than five per centum on the upset price of the land, or on such lesser price as the Minister, on the recommendation of the Board, directs, with right to renewal and compensation for improvements at the expiration of the lease.”	

*New clause.*

30 37A. (1.) All town and suburban and village lands (not being within any village settlement) may be let at a rent not less than five per centum per annum on the value of the land as determined by the Board with the consent of the Minister. Lease of town, suburban, and village lands.

(2.) The lease may, at the discretion of the Board, be either—

- 35 (a.) A lease for any term not exceeding thirty-three years; or  
 (b.) A renewable lease on the same terms and conditions as a renewable lease of rural land, save that the term of such lease and of every renewal thereof shall be thirty-three years instead of sixty-six years, and save also that in the event of such a lease not being renewed the value of any  
40 buildings erected on the land shall not constitute a debt due to the lessee by the Crown.

(3.) Section one hundred and eleven of the principal Act is hereby amended by omitting the word “or” at the end of paragraph (1) and by repealing paragraph (2) thereof.

45 38. (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;  
 50 (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.

Repeal.

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

Section 113 of principal Act amended.

39. (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." 5

Repeal.

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

Application for unsurveyed land to be advertised.

40. 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. 10

Section 116 of principal Act amended.

41. Section one hundred and sixteen of the principal Act is hereby amended by inserting after the words "by public auction" the words "or by tender," and after the word "grazing" the words "or other." 15

Payment of rates by Crown tenants.

42. 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." 20

Thirds and fourths.

43. 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. 25

Duration of thirds.

44. Nothing in section one hundred and twenty-seven of the principal Act 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. 30

Section 136 of principal Act amended.

45. Section one hundred and thirty-six of the principal Act is hereby amended by omitting the words "Surveyor-General," and substituting therefor the words "Under-Secretary." 35

Section 144 of principal Act amended.

46. 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 sixpence for every acre of third-class land." 40

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

47. (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. 45

(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. 50

(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  
5 operation of this Act they fulfil the said conditions as to improvements.

48. 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  
10 paragraph, which shall be deemed to have been contained in the principal Act as from the date of the passing thereof:—

Section 151 of principal Act amended.

"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  
15 this Act shall take away or affect such right of renewal."

49. (1.) On the death of the owner of any lease or license his executors or administrators shall have power to assign the lease or license to any qualified person, but the consent of the Board shall not be necessary for any such assignment if made to a person named  
20 as a beneficiary under the will or claiming under an intestacy.

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

(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  
25 the persons so beneficially entitled, or by any of them, or by any suitable person or persons appointed by such executors, administrators, or trustees during the minority of any beneficiary, as if they were the owners of the lease or license.

(3.) If no probate is granted or letters of administration issued  
30 within six 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  
35 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.

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

Repeal.

50. 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  
45 granted under the principal Act or any Act thereby repealed.

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

51. Section one hundred and sixty-four of the principal Act is hereby amended by omitting all words after the word "exceeding," and substituting in lieu thereof the words "five hundred acres in area."

Section 164 of principal Act amended.

52. Section one hundred and seventy-four of the principal Act is hereby amended by inserting at the commencement thereof the words  
50 "Except on the recommendation of the Board and with the approval

Section 174 of principal Act amended.

of the Minister," and by omitting the words " or (4) Who is disqualified under any provision of this Act."

Section 182 of principal Act amended.

53. 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 three years, and" in the first paragraph thereof. 5

Not more than one run to be held.

54. 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." 10

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

55. (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 15

*Struck out.*

principal Act to cultivate a portion or portions of his run for the purpose of growing winter feed for the stock depastured thereon, and also to plough and sow in grass an additional area not exceeding three thousand acres, and to clear, burn, and sow in grass, or surface sow in grass, any portion of his run, the area so sown in grass 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, in addition to the value of the improvements provided for by that section. 20 25

*New.*

principal Act to do any one or more of the following things:—

- (a.) To cultivate any portion of his run for the purpose of growing winter feed for the stock depastured on the run; 30
- (b.) To plough and sow in grass any portion of his run not exceeding three thousand acres;
- (c.) To clear by felling and burning bush or scrub any portion of his run, and sow the same in grass;
- (d.) To surface sow in grass any portion of his run. 35

(1A.) The provisions of section two hundred and seven of the principal Act shall extend and apply to any improvements made under the authority of paragraphs (b), (c), and (d) of the *last preceding* subsection, provided that the value payable in respect of such improvements shall be in addition to the value of the improvements provided for by that section. 40

(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 and his employees, subject to conditions to be prescribed by the Board as to cultivation thereof by means of a proper rotation of crops. 45

(3.) The powers conferred by this section on the lessee or licensee shall be exercisable only on the condition that he shall, on the termination of such lease or license, leave the whole of the area ploughed or cultivated properly laid down in good permanent grasses and clovers to the satisfaction of the Board. 50



56. (1.) Section two hundred and seven of the principal Act is hereby amended by omitting all the words of subsection one thereof down to and inclusive of the words "fifty pounds," and substituting in lieu thereof the words "In the event of the then lessee or licensee not having become the purchaser the Board shall, at least three months before the expiry of any such lease or license, proceed to have valued by arbitration all improvements consisting of necessary buildings, plantations, fences (other than rabbit-proof fences), and ditches for draining made on the lands the lease or license of which has been sold at auction as last aforesaid. Such valuation shall be based on the worth of the said improvements to the incoming tenant, or, in the case of a subdivision of the run, to the incoming tenants of the divided portions thereof."

Section 207 of principal Act amended.

(2.) The valuation by arbitration made under the *last preceding* subsection shall be made in the manner prescribed by section *twelve* of this Act.

(3.) Section two hundred and seven aforesaid as so amended shall apply to all leases or licenses of pastoral runs and to all improvements on such runs, whether granted or made before or after the passing of this Act.

57. 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.

58. (1.) The Board may, with the approval of the Minister, lease by auction, for growing, cutting, or removing flax, any area not exceeding two thousand acres, for a term not exceeding fourteen years, at such upset yearly rental as may be determined by the Board.

Flax leases.

(2.) On the expiration of the said lease a new lease may be granted to the former lessee, without auction, for a further term not exceeding fourteen years, at a rental to be determined by the Board not sooner than twelve months nor later than six months before the expiration of the first term.

(3.) This section shall apply both to land under the principal Act and to land under the Land for Settlements Consolidation Act, 1900.

(4.) The Governor may from time to time make such regulations as he deems necessary to give full effect to this section.

(5.) Section two hundred and twenty-eight of the principal Act and paragraph (8) of section three of the Land Act Amendment Act, 1893, are hereby repealed.

59. 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.

60. 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.

61. 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.

Sale of Crown lands  
for certain purposes.

62. (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, fruit-preserving factory, or creamery, or for a church, manse, or parsonage, and for a glebe in connection therewith, or for any other purpose which in the opinion of the said Board and the said Minister renders such a sale expedient in the public interest. 5

(2.) No allotment so disposed of shall exceed five acres or be sold at a less price than one pound per acre.

(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. 10

Landless applicants  
to have preference.

63. (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. 15

(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. 20

(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.

Preference in  
certain cases to  
married men, &c.,  
who are landless.

64. (1.) The Board may, with the approval of the Minister, on the opening of any land for public selection set apart not more than one-third of such land as allotments in respect of which preference at any ballot shall be given to applicants who are landless within the meaning of section sixty-three of this Act, and who belong to any of the following classes:— 25

(a.) Married men with children : 30

(b.) Widowers with children :

(c.) Widows with children :

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

(2.) All such applicants shall rank equally with each other. 35

Preference in  
certain cases to  
former unsuccessful  
applicants who  
are landless.

65. The Board may, with the approval of the Minister, on the opening of any land for public selection set apart certain allotments in respect of which preference at any ballot shall be given to applicants who are landless within the meaning of section sixty-three of this Act, and have within the previous two years competed at least twice unsuccessfully at any other land-ballot, whether under the principal Act or under the Land for Settlements Consolidation Act, 1900. 40

Regulations as to  
conduct of ballots.

66. (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. 45

(2.) Prior to the coming into operation of such regulations the Board shall have power to make any such arrangements for this purpose as it considers fit.

Decision of Board to  
be final.

67. The decision of the Board as to the rejection or preference of any applicant shall be final and conclusive. 50

68. 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.
69. Every person who hereafter is successful in any land-ballot, whether under the principal Act or under the Land for Settlements Consolidation Act, 1900, and who makes 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.
70. 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.
71. 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.
72. (1.) In order to aid in the establishment of the wood-pulp industry for paper-making, the Governor may from time to time set apart land not suitable for close settlement or for leasing under the small-grazing-run system, of a total area not exceeding fifty thousand acres.
- (2.) The land so set apart may be disposed of by way of lease in such areas and on such terms and conditions as may be fixed by special regulations to be made under this section :
- Provided that no person shall be granted a lease over a greater area than thirty thousand acres of such land, and no lease shall be for a longer term than twenty-one years or shall include any right of renewal.
- (3.) The provisions of this Act relating to the limit of area that may be held by any applicant shall not apply to the granting of a lease hereunder.
- (4.) The right to utilise the water-power of any stream on the land so disposed of, and the right to cut, fell, remove, or in any way utilise any timber growing thereon, may be provided for in the regulations to be issued under this section.
- (5.) Any land set apart under this section, if situated within the boundaries of a mining district under the Mining Act, 1905, shall remain subject to the provisions of that Act.
73. (1.) It shall be lawful for the Governor, whenever he deems it expedient in the public interest, to grant in fee-simple any area of Crown land which is subject to the provisions of the principal Act in exchange for the fee-simple of any other land which in his opinion is of approximately equal value, and on any such exchange

Board may examine applicants before ballot.

Restriction on successful applicant who has disposed of allotment.

Selector may acquire additional land.

Board may create easements.

Encouragement of wood-pulp industry.

Crown land in exchange for private land.

to pay or receive by way of equality of exchange any sum not exceeding ten per centum of the estimated value of the Crown land so granted.

(2.) Any sum so payable by the Crown by way of equality of exchange shall be paid out of moneys to be appropriated by Parliament, and any sums so receivable by the Crown shall be paid to the Receiver of Land Revenue. 5

(3.) All land acquired by the Crown by any such exchange shall become Crown land and be subject to the provisions of the principal Act. 10

Lessee may subdivide and dedicate roads.

74. (1.) Where, under section twelve of the Land Act Amendment Act, 1895, a lessee or licensee, with the approval of the Board and consent of the Minister, subdivides his holding, he may, with the like approval and consent, dedicate any land for roads necessary for such subdivision. 15

(2.) The said section twelve applies to land acquired under the Land for Settlements Consolidation Act, 1900, as well as to ordinary Crown land.

## PART II.

### LAND FOR SETTLEMENTS.

This Part deemed part of Land for Settlements Consolidation Act.

75. 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). 20

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

76. (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. 25

Term of lease.

(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. 30

Rental.

(3.) Every such lease shall be granted at a yearly rental of four pounds ten shillings per centum of the capital value of the land as determined by the Minister in accordance with section fifty-one of the principal Act. 35

How rental on renewed lease to be determined.

(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 four pounds ten shillings per centum of the then value of the land as determined in accordance with the provisions of Part I of this Act. 40

Renewable lease of pastoral land not suitable for close settlement.

77. (1.) Pastoral land acquired under the principal Act or subject to the provisions thereof, and not suitable for close settlement, may be disposed of by way of renewable lease, in accordance with the provisions of the *last preceding* section, in such areas as the Land Board, with the approval of the Governor, thinks necessary for the profitable occupation thereof, although such areas may exceed the limits of area permissible independently of this section. 45

(2.) To any such area of pastoral land there may be added any low-lying land acquired under or subject to the provisions of the principal Act which the Land Board with the approval of the Governor considers necessary for the proper working of the said pastoral land, whether such low-lying land is or is not contiguous thereto.

(3.) Subsection one of section forty-eight of the principal Act is hereby repealed. **Repeal.**

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

79. (1.) It shall be lawful for the Governor on the recommendation of the Board, in acquiring land voluntarily under the provisions of the principal Act, to agree with the seller of the land that he shall receive and accept as part of the consideration for the sale thereof a lease or license under Part III, Part V, or Part VI of the Land Act, 1892, of or in respect of such area and for such term as the said Board thinks fit, not exceeding the maximum area or term prescribed by the said Act; and any such lease or license may be by way of extension of a lease or license which has not yet expired. **Power to grant lease as part of consideration on acquiring lands.**

(2.) On any such agreement being entered into it shall be the duty of the Commissioner of Crown Lands, when so required by the Minister, to carry it into effect by executing a lease or license in accordance with the terms thereof.

80. Before any land acquired under the principal Act is opened for public selection the Board may, with the approval of the Minister, grant a renewable lease of any allotment thereof without competition to any person who has been employed by the late owner thereof for at least five years immediately preceding its acquisition, and who by such acquisition is deprived of his employment, at a rental to be determined by the Board, being four pounds ten shillings per centum of the capital value of the land as fixed by the Minister in accordance with section fifty-one of the principal Act: **Leases without competition in certain cases**

35 Provided that such person shall make the necessary declaration and otherwise comply with the conditions required to be performed by an applicant for Crown lands.

81. (1.) When any land is taken compulsorily under the provisions of the principal Act in pursuance of any requisition gazetted after the last day of March, nineteen hundred and eight, then, notwithstanding anything to the contrary in that Act, no compensation shall be payable to any person in respect or by reason of the taking of such land other than compensation assessed and determined in accordance with the provisions of this section. **Assessment of compensation for land taken under principal Act.**

45 (2.) The compensation so payable shall be separately assessed in respect of the unimproved value of the land to be so taken, and in respect of the improvements thereon in manner provided by this section.

(3.) The unimproved value of the said land shall be deemed to be the amount at which the said unimproved value is assessed in the district valuation roll in force under the Government Valuation of Land Act, 1896, at the time when the requisition for the taking of the

said land is gazetted. The unimproved value so assessed in the said valuation roll is hereinafter referred to as the Government valuation.

(4.) If the land so taken or any part thereof is not separately valued in the said valuation roll, but is only a part of a larger area which is so valued, the unimproved value of the part so taken shall be deemed to be such proportion of the Government valuation of the said larger area as the Court determines to be fairly attributable to the part so taken. 5

(5.) The value of the improvements on any land to be taken compulsorily under the principal Act shall be assessed, as at the date of the gazetting of the said requisition, in the manner provided by that Act in respect of the valuation of land so taken. 10

(6.) In every case there shall be added to the total amount payable under this section in respect of the unimproved value of the land a further sum calculated as follows:— 15

(a.) If the said amount does not exceed fifty thousand pounds, then a percentage of ten per centum thereof; or

(b.) If the said amount exceeds fifty thousand pounds, then a percentage of ten per centum in respect of fifty thousand pounds, and of five per centum in respect of the residue. 20

(7.) The owner of any estate or interest separately valued in the said valuation roll may from time to time give notice in writing to the Valuer-General that he requires ~~the unimproved value of that~~ *Struck out.*

estate or interest to be increased to an amount named in the said notice, and the Valuer-General shall thereupon insert the said value as so increased in a subsidiary roll. The increased value so inserted in the said roll shall, for the purposes of this section, and also for the purposes of the assessment of land-tax, whether ordinary or graduated, under the Land and Income Assessment Act, 1900, and its amendments, and of the assessment of duties under the Deceased Persons' Estates Duties Act, 1881, and its amendments, be deemed to be substituted for the valuation so contained in the district valuation roll, and shall 25 30

*New.*

such valuation, so far as it relates to the unimproved value of the land, to be increased to an amount named in the said notice, and the Valuer-General shall thereupon increase the said valuation accordingly, and shall make a corresponding increase in the valuation of the capital value of the land, and shall insert in a subsidiary roll the said valuations as so increased. The increased valuations so inserted in the said subsidiary roll shall, for the purposes of this section, and also for the purposes of the assessment of land-tax, whether ordinary or graduated, under the Land and Income Assessment Act, 1900, and its amendments, and of the assessment of duties under the Deceased Persons' Estates Duties Act, 1881, and its amendments, be deemed to be substituted for the valuations contained in the district valuation roll, and shall, until the next revision of the last-mentioned roll, have for the said purposes the same effect and operation as if made by the Valuer-General in accordance with the provisions of the Government Valuation of Land Act, 1896, and inserted in the district valuation roll accordingly. 35 40 45 50

(8.) The subsidiary roll shall not be available for any purpose other than those mentioned in the *last preceding* subsection.

(9.) Every notice requiring an increase of valuation in manner aforesaid shall be given to the Valuer-General either in the month of March in any year or ~~within one month after the date of the notice given to the said owner by the Valuer-General of any revision of the valuation of the said land in the district valuation roll.~~ *(in the case of any revision of the valuation of the said land in the district valuation roll) within one month after the date of the advertisement published by the Valuer-General in pursuance of section fourteen of the Government*  
 10 *Valuation of Land Act Amendment Act, 1900.*

(10.) No requisition for the taking of any land shall be gazetted at any time during the month of March in any year, or ~~within one month after the date of any such notice of revision as is mentioned in the last preceding subsection.~~ *(in the case of any such revision as aforesaid) within one month after the date of the advertisement mentioned in the last preceding subsection.*  
 15

(11.) In this section the terms "improvements" and "unimproved value" have the same meanings as are attributed thereto in section two of the Government Valuation of Land Act Amendment Act, 1900.  
 20

(12.) When the district valuation roll contains separate valuations of the unimproved value of any land in respect of the separate interests of two or more persons therein, the unimproved value of that land shall be deemed to be the aggregate amount of such separate valuations.  
 25

(13.) In every case there shall be added to the total amount of compensation payable under the foregoing provisions a sum equal to two per centum thereof, by way of compensation for the compulsory taking of the said land, and by way of compensation for any loss or injury that may be suffered in consequence of such taking, whether in respect of the land so taken or in any other respect.  
 30

82. Subject to the provisions contained in this Act, all the provisions of Part I of this Act with respect to leases in perpetuity and to renewable leases (except the provisions of sections *twenty-one* and *twenty-two* hereof) shall apply respectively to leases in perpetuity and renewable leases of settlement land.  
 35

Provisions as to leases in perpetuity, &c.

83. Paragraph (2) of section thirteen of the principal Act is hereby amended by omitting the words "such borough," and substituting therefor the words "a borough."  
 40

Section 13 of principal Act amended.

*New clause.*

83A. Section sixty-four of the principal Act is hereby amended by repealing paragraphs (1) and (2) thereof, and substituting the following paragraphs therefor:—  
 45

Section 64 of principal Act amended.

(1.) With the consent in each case of the Minister, land may be sold in fee-simple as a site for a dairy factory, cheese-factory, fruit-preserving factory, or creamery, or for any educational, religious, charitable, or public purpose, or for any other purpose which, in the opinion of the Minister, renders such a sale expedient in the public interest.  
 50

(2.) No allotment so disposed of shall exceed five acres in extent.

Land required for public work may be sold.

84. (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.

(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).

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

Power to exchange lands.

85. (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.

(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.

Regulations.

86. 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.

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

Expenses payable out of Land for Settlements Account.

88. The expenses of administration which are authorised to be paid out of the Land for Settlements Account by section four of the Land for Settlements Amendment Act, 1901, shall include all expenses incurred in the administration of any land after the leasing thereof in pursuance of the principal Act, whether in respect of the collection of rents, the inspection of such land, or otherwise howsoever :

Provided that no sums shall in any year be paid out of the said account under the authority of this section exceeding two and a half per centum of the total amount of rent paid into that account in the same year.

Moneys payable for improvement of land leased under principal Act.

89. In addition to any sums expended in pursuance of section sixty-five of the principal Act, and taken into account in estimating the capital value of land acquired under that Act, it shall be lawful for the Minister to expend out of the Land for Settlements Account all sums which he may deem necessary for the improvement, roading, drainage, or otherwise for the benefit or protection of any land leased under the principal Act; but no money shall be so expended under this section except such amount as is from time to time appropriated by Parliament for the purposes of this section.

### PART III.

#### GENERAL.

Leases of grazing-farms, Cheviot.

90. Paragraph (1) of section fourteen of the Cheviot Estate Disposition Act, 1893, is hereby repealed, and the following substituted in lieu thereof :—

“(1.) Not sooner than two years and at least twelve months before the expiration of the lease by effluxion of time (unless the Governor decides that the whole or part of the land included therein is suitable for close settle-



ment or subdivision), a new lease shall be offered to the existing lessee at a rental not less than *five* per centum on the total capital value of the land, less the value of improvements effected thereon, to be ascertained as provided in section one hundred and eighty-two of the Land Act, 1892.

5 “(1A.) Such new lease shall be for the same term and shall contain the same conditions as the expiring lease, but shall not be further renewed.

10 “(1B.) If the land comprised in the lease is deemed suitable for close settlement or subdivision as aforesaid, or if the lessee does not elect to accept a renewal as above mentioned, or fails to execute a lease within thirty days after the same is tendered to him for that purpose, or in case of the expiry or determination of the lease by surrender or forfeiture, the lessee shall not have any right of renewal, but shall be entitled to full valuation for improvements of a substantial character effected on the land as hereinafter provided, and the land shall revert to the Crown and be available for disposal as provided by this Act.”

15 91. (1.) In the case of any lease of any education reserve or endowment or of any part thereof granted either before or after the passing of this Act by the School Commissioners in whom such reserve or endowment is vested by virtue of the Education Reserves Act, 1877, no transfer, sublease, or mortgage of any such lease shall be valid until and unless the written consent thereto of the said Commissioners has been obtained. Leases of education reserves.

25 (2.) Nothing in this section shall apply to any transfer, sublease, or mortgage made or granted, or agreed to be made or granted, before the passing of this Act, or to any transfer executed by a mortgagee by virtue of a mortgage granted or agreed to be granted before the passing of this Act.

#### PART IV.

##### PRIVATE LANDS.

35 92. (1.) All land which after the passing of this Act is alienated by the Crown in fee-simple, whether under the provisions of section *twenty* of this Act or otherwise, shall at all times after such alienation be and remain subject to this Part of this Act. All land alienated by Crown to be subject to this Part of Act.

40 (2.) For the purposes of this section land held under license for occupation with right of purchase granted before the coming into operation of this Act shall not be deemed to be land subject to this Part of this Act, notwithstanding that the right of purchase has not been exercised on such coming into operation.

45 93. (1.) It shall not be lawful for any person to acquire any interest in any land which is so subject to this Part of this Act, if such land together with all other land of any description owned, held, or occupied by him under any tenure, either severally or jointly or in common with any other person, exceeds a total area of five thousand acres, calculated in manner provided by section *thirty-six* of this Act. Limitation of area.

(2.) In this Part of this Act the term "interest" includes any estate or interest, whether freehold or leasehold, legal or equitable, vested or contingent, and whether in possession, remainder, or reversion.

Statutory  
declaration.

94. No District Land Registrar shall register any transfer or other disposition of land which is subject to this Part of this Act unless the instrument of such disposition is accompanied by a statutory declaration made by or on behalf of the transferee or other person acquiring an interest in the land by virtue of such disposition to the effect that neither he nor any other person acquires by virtue of such disposition any interest in breach of the provisions of this Part of this Act. 5 10

Order of Supreme  
Court.

95. (1.) If any person acquires any interest in any land in breach of this Part of this Act, the Supreme Court may, in an action against him at the suit of the Crown, order that within such time as the said Court determines (being not more than twelve months from the date of such order) he shall, by way of alienation, surrender, or other disposition, divest himself of the interest which he has so acquired. 15

(2.) No trust, contract, or other obligation shall so operate as to prevent or render illegal any alienation, surrender, or other disposition authorised by the said Court in any such order. 20

Penalty for failure  
to obey order of  
Court.

96. (1.) If any person makes default in obeying any such order of the Supreme Court, he shall be liable to a penalty equal to one-half of the value of the interest which he has so acquired in breach of this Part of this Act. 25

(2.) The said penalty shall be recoverable by action in the Supreme Court at the suit of the Crown.

*New subclause.*

(3.) In lieu of an action for the recovery of the said penalty the Supreme Court may, on the application of the Crown, enforce the said order in the same manner as in the case of injunctions issued by the said Court. 30

Disposition not to  
be invalid.

97. No disposition of any land and no agreement for any such disposition shall be invalid merely because such disposition is contrary to the provisions of this Part of this Act. 35

Memorandum to  
appear on certificate  
of title.

98. Every certificate of title issued in respect of land subject to this Part of this Act on the alienation thereof by the Crown, and every certificate of title subsequently issued in respect of such land or any part thereof, shall have written thereon a memorandum stating that all dispositions of the land included in such certificate are subject to the restrictions imposed by Part IV of the Land Laws Amendment Act, 1907. 40

This Part of Act  
not to apply to  
certain interests.

99. Nothing in this Part of this Act shall apply to—

(a.) The acquisition of any interest by way of mortgage or other security : 45

(b.) The acquisition of any interest by a trustee, executor, or administrator as such :

(c.) Any interest acquired in trust for any religious, educational, charitable, or public purpose.