

Right Hon. Sir J. G. Ward

LAND LAWS AMENDMENT.

ANALYSIS.

- | | |
|--|---|
| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Act divided into Parts. 3. Interpretation. 4. Optional system of disposal of Crown land not affected. <p style="text-align: center;">PART I.</p> <p style="text-align: center;">ACQUISITION OF FEE-SIMPLE.</p> <p style="text-align: center;"><i>Land held under Lease in Perpetuity or Renewable Lease.</i></p> <ol style="list-style-type: none"> 5. Lessee may purchase fee-simple of lease in perpetuity or renewable lease. 6. Provisions to be complied with. 7. Purchase-price. Mode of payment of purchase-money. 8. Unpaid instalments to be first charge on land. 9. Purchaser entitled to certificate of title. Restrictions to be shown on title. 10. Land purchased subject to interests then existing. <p style="text-align: center;"><i>Recurring-charges in respect of Increased Values.</i></p> <ol style="list-style-type: none"> 11. Crown to receive proportion of increase in value of land purchased. <p style="text-align: center;"><i>Special as to Now-existing Leases in Perpetuity.</i></p> <ol style="list-style-type: none"> 12. Holders of leases in perpetuity may purchase for cash. Repeal. <p style="text-align: center;"><i>Settlement Land.</i></p> <ol style="list-style-type: none"> 13. Settlement land may be sold in certain cases. Provisions as to purchase. 14. Provisions of Land for Settlements Act applied. <p style="text-align: center;"><i>Special as to Lands in Mining Districts.</i></p> <ol style="list-style-type: none"> 15. Special provisions where land in a mining district. <p style="text-align: center;"><i>Other Provisions as to Purchase.</i></p> <ol style="list-style-type: none"> 16. Valuations to be ascertained by arbitration. 17. Charges to be registered and recorded. 18. Powers for enforcing charges. 19. When "thirds" payable. 20. Purchase not affected by provisions as to limit of area. 21. Section 191 of Land Act repealed. 22. Proceeds of sales of settlement lands. <p style="text-align: center;"><i>National Development Account.</i></p> <ol style="list-style-type: none"> 23. Moneys received from sales to be paid to National Development Account. <p style="text-align: center;">PART II.</p> <p style="text-align: center;">MISCELLANEOUS PROVISIONS.</p> <p style="text-align: center;"><i>Non-aggregation.</i></p> <ol style="list-style-type: none"> 24. Limit of area that may be acquired reduced. 25. Consequential amendments of other sections. | <ol style="list-style-type: none"> 26. Aggregation of estates limited. Occupation of land defined. Person acquiring interest in land in excess guilty of a crime. <p style="text-align: center;"><i>Acquisition of Native Land.</i></p> <ol style="list-style-type: none"> 27. Areas of Native land may be purchased. Native land defined. 28. Provisions for taking compulsorily if no agreement made. 29. Purchase-money payable out of Land for Settlements Account. Amount to be expended. 30. Land purchased to be settlement land. 31. Papakaingas and other reserves exempted from purchase. <p style="text-align: center;"><i>Plans of Proposed Towns.</i></p> <ol style="list-style-type: none"> 32. Section 16 of Land Act amended. Penalty. Plan not to be deposited until approved. <p style="text-align: center;"><i>National Endowment Land.</i></p> <ol style="list-style-type: none"> 33. National endowment lands not affected. 34. Application of moneys set apart for education. <p style="text-align: center;"><i>Small Grazing-runs.</i></p> <ol style="list-style-type: none"> 35. Repeal. Classification of small grazing-runs. 36. Rent of small grazing-runs. 37. Renewal of lease for one term only. Compensation for improvements. 38. Section 218 of Land Act amended. <p style="text-align: center;"><i>Pastoral Runs.</i></p> <ol style="list-style-type: none"> 39. Term of certain pastoral licenses in Canterbury District extended. 40. Commissioners to report as to grassing. 41. Governor may resume occupied pastoral land for grassing-areas. Provisions as to such areas. 42. Resumption may be revoked and area restored to run. 43. Governor may set apart unoccupied pastoral land as grassing-areas. <p style="text-align: center;"><i>Arbitration.</i></p> <ol style="list-style-type: none"> 44. Uniform system of arbitration established. Repeals. <p style="text-align: center;"><i>Other Amendments.</i></p> <ol style="list-style-type: none"> 45. Selector to be twenty-one years of age. Consequential amendments. 46. Section 109 of Land Act amended. 47. Rebate of rent only when tenant has four children. 48. Improvements on third-class lands. 49. Section 178 of Land Act amended. 50. Section 225 of Land Act amended. 51. Section 347 of Land Act amended. 52. Miscellaneous amendments of Land Act. <p style="text-align: center;"><i>General.</i></p> <ol style="list-style-type: none"> 53. Charges, powers, &c., in respect of settlement lands to be held and exercised for Superintendent. 54. Regulations. Schedule. |
|--|---|

A BILL INTITULED

Title.	AN ACT to amend the Law relating to Lands of the Crown and Private Lands.	
	BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows :—	5
Short Title.	1. (1.) This Act may be cited as the Land Laws Amendment Act, 1909, and it shall be read and construed with the Land Act, 1908 (hereinafter called "the Land Act").	
	(2.) In construing this Act with the Land Act, every provision of this Act which amends or refers to any provision in any specified Part of that Act shall, so far as concerns such amendment or reference, be deemed to be included in that Part.	10
Act divided into Parts.	2. This Act is divided into Parts, as follows :— PART I.—Acquisition of Fee-simple. (Sections 5 to 23.) PART II.—Miscellaneous Provisions. (Sections 24 to 54.)	15
Interpretation.	3. In this Act, if not inconsistent with the context,— "Land Acts" includes the Land Act, 1908, and this Act: "Land for Settlements Act" means the Land for Settlements Act, 1908. "Lease-in-perpetuity land" means land held under the lease-in-perpetuity system of tenure: "Prescribed" means prescribed by regulations made by the Governor under the Land Act or this Act: "Settlement land" means land subject to the Land for Settlements Act.	20
Optional system of disposal of Crown land not affected.	4. Except as provided by this Act, ordinary Crown land shall continue to be disposed of on the optional system under the Land Act in like manner in all respects as if this Act had not been passed.	25

PART I. 30

ACQUISITION OF FEE-SIMPLE.

Land held under Lease in Perpetuity or Renewable Lease.

Lessee may purchase fee-simple of lease in perpetuity or renewable lease.	5. The lessee of land held on the lease-in-perpetuity or renewable-lease system, whether settlement land or ordinary Crown land, may at any time during the currency of the lease acquire the fee-simple thereof by purchase in the manner and subject to the conditions and restrictions contained in this Act:	35
---	--	----

Provided that where the land is subject to any incumbrance, lien, or interest, the right of purchase shall not be exercised unless the person entitled to such incumbrance, lien, or interest agrees in writing that the hereinafter-mentioned purchase-charge and recurring-charges in favour of the Crown shall have priority over the same.

Provisions to be complied with.	6. For the purposes of the purchase the following provisions shall apply :—	45
---------------------------------	---	----

(a.) The lessee who desires to purchase shall make application in that behalf to the Board in the prescribed form, stating whether he desires to purchase for cash or on the instalment system as hereinafter provided.

(b.) The application shall be accompanied by an application fee of *one* pound.

(c.) The applicant shall satisfy the Board that the statutory improvement conditions subject to which the lease is held have been duly fulfilled up to the date of his application.

(d.) The applicant shall also satisfy the Board that all rates and taxes payable in respect of the land have been duly paid.

(e.) If satisfied as aforesaid, the Board shall grant the application and give notice thereof to the applicant in the prescribed form.

(f.) The applicant shall pay all rent up to the date of the purchase, for which purpose the rent shall, where necessary, be apportioned; and any refund to which he may thereby be entitled shall be deducted from the purchase-price.

(g.) If the first cash payment is not made within the stipulated time as hereinafter provided, or such extended time as the Board thinks fit to allow, the application shall be deemed void, and the application fee shall be forfeited.

7. (1.) The purchase-price shall be the original value of the land, meaning thereby the value on which the rent reserved by the lease was computed: Purchase-price.

Provided that in cases where the rent was computed on the capital value of the land apart from the buildings thereon, and the assessed value of the buildings was to be paid by the lessee, so much of such value as remains unpaid at the time of the application to purchase the fee-simple shall be added to and included in the purchase-price:

Provided also that in the case of renewable leases the value of the minerals as defined in section one hundred and ninety of the Land Act (all of which were by virtue of that section excluded from the lease) shall be ascertained by the Board by valuation, and be added to and included in the purchase-price.

(2.) The purchase-price (less any such deduction as aforesaid in respect of apportioned rent) shall, according to the tenor of the application, be paid wholly in cash, or as to one-fourth part thereof in cash and as to the balance, with interest at four per centum per annum, by half-yearly instalments according to the table in the Schedule hereto. Mode of payment of purchase-money

(3.) Such cash payment shall be due on the fourteenth day after the date of the purchase as fixed by the Board, and the first half-yearly instalment shall be due six months after that date.

(4.) All payments shall be made to the Receiver of Land Revenue.

8. The said instalments shall be a debt payable to the Crown by the purchaser, and until paid shall by force of this Act be a first and paramount charge (throughout this Act called "purchase-charge") on the land. Unpaid instalments to be first charge on land.

9. (1.) Upon the appropriate cash payment being made as aforesaid the purchaser shall be entitled to a certificate of title to the land. Purchaser entitled to certificate of title.

(2.) The certificate of title shall be in the prescribed form, and shall show on its face that it is issued, and that the land comprised therein is held, subject to the conditions and restrictions of the Land Acts relating to charges and non-aggregation. Restrictions to be shown on title.

Land purchased
subject to interests
then existing.

10. Upon the completion of the purchase the lease shall determine :

Provided that the fee-simple purchased shall be subject to any right, title, interest, or incumbrance which is then vested in any person other than the lessee, and by which at the time of such completion the lease is affected (without prejudice, however, to the Crown's priority in respect of purchase-charge and recurring-charges).

5

Recurring-charges in respect of Increased Values.

Crown to receive
proportion of
increase in value of
land purchased.

11. In order that the Crown (which is at present entitled in reversion to the whole value) may receive a reasonable proportion of the increase in the unimproved value of the land purchased as aforesaid the following provisions shall apply :—

10

(a.) The unimproved value of the land at the date of the lease and at the undermentioned periodical intervals thereafter shall be ascertained by the Board by valuation.

15

(b.) The valuation at each periodical interval shall be ascertained within three months before or after the close of the interval.

(c.) In every case where the second or any subsequent valuation shows an increase over the next preceding valuation, the undermentioned proportion of such increase shall be payable to the Crown.

20

d.) The periodical intervals above referred to are—

Five recurring intervals of thirty-three years each in the case of lease-in-perpetuity land, and perpetually recurring intervals of thirty-three years each in the case of renewable-lease land.

25

(e.) The proportions above referred to are—

One-tenth in the case of lease-in-perpetuity land ;

30

One-fifth in the case of renewable-lease land if it is not settlement land ; and

Two-fifths in the case of renewable-lease land if it is settlement land.

(f.) The sum so payable, with interest thereon at the rate of four per centum per annum, shall in each case be payable by half-yearly instalments according to the table in the Schedule hereto, and until paid shall by force of this Act be a charge on the land (throughout this Act called " recurring-charge ") in favour of the Crown.

40

(g.) All such payments shall be made to the Receiver of Land Revenue.

(h.) The first half-yearly instalment shall in each case be payable six months after the close of the interval to which it relates.

45

(i.) All recurring - charges shall attach to the land simultaneously as on and from the date of the purchase, and shall rank next after the purchase-charge, but shall have priority over all other incumbrances, liens, and interests whatsoever affecting the land.

50

Special as to Now-existing Leases in Perpetuity.

12. (1.) Irrespective of the foregoing provisions as to purchase, the lessee of lease-in-perpetuity land, whether settlement land or ordinary Crown land, may, at any time within two years after the coming into operation of this Act, acquire the fee-simple of the land for cash at the price and in the manner following, that is to say:—

5 Holders of leases in perpetuity may purchase for cash.

(a.) The purchase-price shall be the price ascertained under section *seven* hereof plus one-half of the sum (if any) by which the unimproved value at the date of the purchase exceeds the unimproved value at the date of the lease.

(b.) Such value shall be ascertained by the Board by valuation.

(c.) The application to purchase shall be made and disposed of under section *six* hereof, the provisions whereof shall, *mutatis mutandis*, apply, save that the purchase-money shall be paid in cash.

(d.) The provisions of this Act relating to purchase-charges and recurring-charges shall not apply.

(2.) Upon the completion of the purchase the lease shall determine:

Provided that the fee-simple purchased shall be subject to any right, title, interest, or incumbrance which is then vested in any person other than the lessee and by which at the time of such purchase the lease is affected.

(3.) Section one hundred and seventy-seven of the Land Act (giving the owner of a lease in perpetuity the right of purchase) is hereby repealed both as to existing leases and as to leases hereafter granted.

Repeal.

30 *Settlement Land.*

13. (1.) In every case where settlement land (not being classed as undeveloped land under section *thirty* hereof) may be disposed of by way of renewable lease, it may also be disposed of by sale of the fee-simple.

Settlement land may be sold in certain cases.

(2.) In every case where such settlement land is opened for public selection by way of renewable lease, it shall also be opened for purchase of the fee-simple.

(3.) For the purposes of such purchase the following provisions shall apply:—

Provisions as to purchase.

(a.) The purchase-price shall be the capital value of the land (including buildings and improvements) as fixed by the Minister of Lands.

(b.) The purchase may be for cash or on the instalment system under this Act.

(c.) The purchase shall be subject to the same provisions respecting purchase-money, purchase-charge, recurring-charges, and otherwise as in the case of renewable-lease land that is settlement land, and accordingly the provisions of sections *seven*, *eight*, *nine*, and *eleven* hereof (relating to the purchase of the fee-simple of that class of land) shall, *mutatis mutandis*, apply.

Provisions of Land
for Settlements
Act applied.

14. For the purposes of the *last preceding* section hereof the provisions of sections fifty-one to fifty-three of the Land for Settlements Act (relating to the disposal of settlement land by way of renewable lease) shall, *mutatis mutandis*, apply, but shall be construed with the following modifications:—
- (a.) The application referred to in section fifty-one shall be an application to purchase the fee-simple. 5
 - (b.) The deposit referred to in paragraph (q) of section fifty-one shall be a deposit of one-tenth of the purchase-price.
 - (c.) Such deposit shall be deducted from the purchase-price (or, 10 as the case may be, from the first cash payment to be made in respect thereof), if the purchase is completed, but otherwise shall be returned to the applicant.

Special as to Lands in Mining Districts.

Special provisions
where land in a
mining district.

15. In every case where, under the foregoing provisions as to 15 purchase, the land is situate in a mining district the following special provisions shall apply:—
- (a.) The applicant shall pay to the Receiver the sum of ten pounds as a deposit in respect of the expenses hereinafter referred to. 20
 - (b.) On such deposit being made the application shall be referred by the Board to the Warden of the district.
 - (c.) The Warden shall publicly notify the fact of the application, and in such notification shall require all objections to be made to him on or before a specified date. 25
 - (d.) After duly considering all such objections and hearing all objectors, the Warden shall return to the Board the application accompanied by his report and recommendation.
 - (e.) The report and recommendation shall not be limited to the objections made to him as aforesaid, but shall extend to all objections which in his opinion exist. 30
 - (f.) On receipt of such report and recommendation the Board shall submit the same, with all the accompanying papers, to the Minister of Lands and the Minister of Mines, and 35 the application shall not be granted unless it is approved by both of them.
 - (g.) Such approval may be either unconditional or subject to such conditions as in the interests of land settlement and of the mining industry those Ministers jointly think fit 40 to impose.
 - (h.) All such conditions shall be specified in the certificate of title, and shall accordingly attach to the land and be binding on the purchaser and all persons claiming or deriving title through him. 45
 - (i.) The expenses of and incidental to the reference to the Warden and the proceedings thereon, including the costs (if any) allowed by him to any objector, shall be fixed by the Warden and be payable by the applicant in any event. 50
 - (j.) The aforesaid deposit shall be applied in or towards paying such expenses; any surplus shall be refunded to him, and any deficiency shall be payable by him as a debt due to the Crown.

Other Provisions as to Purchase.

16. The valuations hereinbefore referred to shall in case of dispute be ascertained by arbitration :

Valuations to be ascertained by arbitration.

5 Provided that where the rent reserved by the lease is based on the unimproved value, the sum at which that value was fixed shall be accepted as final for the purposes of the first valuation in connection with the recurring-charge.

10 17. (1.) The purchase-charge and recurring-charges affecting any land shall be registered against the land and recorded on the certificate of title in the prescribed manner at the time of the issue of the certificate.

Charges to be registered and recorded.

15 (2.) At any time during the currency of any such charge it may be paid off, or payments of *five* pounds or a multiple thereof may be made in reduction ; and in every such case a due rebate of interest shall be allowed.

18. (1.) For the purpose of enforcing any such charge the Crown shall have all such powers and remedies as are given by the Land Transfer Act, 1908, to an incumbrancee in the case of a duly registered memorandum of incumbrance, and also such other powers and remedies as are from time to time prescribed :

Powers for enforcing charges.

Provided that in respect of the recurring-charge the remedy shall be against the land, and no personal liability shall attach to the owner.

25 (2.) All such powers and remedies may be exercised on behalf of the Crown by the Minister of Finance or such person as he from time to time authorises either generally or specifically.

30 (3.) To meet cases of severance or subdivision of land subject to any purchase-charge, severed or subdivided portions may be released from the charge in such manner and subject to such conditions as are prescribed.

(4.) To meet cases of severance or subdivision of the land subject to any recurring-charge, the charge may be apportioned in such manner and subject to such conditions as are prescribed.

35 19. In cases of purchase under section *five* or section *twelve* hereof " thirds " shall be payable to the local authority out of the purchase-money at the same rate and in the same manner in all respects as if the lease were subsisting.

When " thirds " payable.

40 20. In cases of purchase under section *five* or section *twelve* hereof the purchase shall not be deemed to be invalid or to constitute a breach of section ninety-seven or section three hundred and forty-one of the Land Act as amended by this Act, by reason merely that the area of the land so purchased exceeds the limit imposed by those sections.

Purchase not affected by provisions as to limit of area.

45 21. Section one hundred and ninety-one of the Land Act (giving the owner of a renewable lease or of a lease in perpetuity the right to pay up to ninety per centum of the capital value of his land) is hereby repealed, and no such payments shall hereafter be made :

Section 191 of Land Act repealed.

50 Provided that the provisions of that section shall continue in operation with respect to payments heretofore made.

22. All moneys received in respect of the sale of settlement land shall be paid into the Land for Settlements Account.

Proceeds of sales of settlement lands.

National Development Account.

Moneys received from sales to be paid to National Development Account.

23. (1.) All surplus moneys received in respect of the sale of the fee-simple of Crown lands (other than settlement lands) shall be paid into the Public Account to the credit of a separate account called the National Development Account. 5

(2.) The moneys in that account shall be applied in the development of the country by roads, bridges, telegraphs, telephones, and railways, subject in every case to appropriation by Parliament.

(3.) "Surplus moneys" means the moneys that would form part of the Consolidated Fund pursuant to section nineteen of the Land Act as territorial revenue if this present section had not been passed. 10

PART II.

MISCELLANEOUS PROVISIONS.

Non-aggregation.

Limit of area that may be acquired reduced.

24. (1.) In order to better promote the close settlement of Crown lands, section ninety-seven of the Land Act is hereby amended as follows:— 15

(a.) By repealing subsection one thereof, and substituting the following subsection:— 20

"(1.) No person shall be capable of acquiring under Part III or Part IV of this 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, whether severally or jointly or in common with any other person, would exceed— 25

"Four hundred acres of first-class land; or

"One thousand acres of second-class land; or

"Two thousand five hundred acres of third-class land; or 30

"Two thousand five hundred acres of two or more such classes, but without exceeding the limit of area fixed for each class."

(b.) By repealing subsection seven thereof, and substituting the following subsection:— 35

"(7.) For the purpose of computing the limit of area fixed by this section for second- and third-class land respectively, one acre of first-class land shall be reckoned equivalent to two and a half acres of second-class land or to six and a quarter acres of third-class land, and one acre of second-class land shall be reckoned as equivalent to two and a half acres of third-class land." 40

Consequential amendments of other sections.

25. Consequent on the *last preceding* section hereof, sections sixty-eight, one hundred and twenty-eight, one hundred and twenty-nine, one hundred and ninety-nine, two hundred and eighty-six, and all other provisions of the Land Act are hereby modified in so far as they are inconsistent with that section. 45

Aggregation of estates limited.

26. (1.) In order to better prevent the aggregation of estates section three hundred and forty-one of the Land Act is hereby amended by substituting the words "two thousand five hundred" for the words "five thousand." 50

(2.) For all the purposes of the aforesaid section three hundred and forty-one land shall be deemed to be occupied if it is in fact used or cultivated, whether under any tenure or not; and a person who occupies land shall be deemed to hold an interest in it.

Occupation of land defined.

5 (3.) If any person acquires any interest in any land in breach of the aforesaid section three hundred and forty-one as amended by this section, then, irrespective of the proceedings and penalties to which he is liable under sections three hundred and forty-three and three hundred and forty-four of the Land Act, he shall be ~~guilty of a crime~~, punishable on indictment by a fine not exceeding in 10 the case of a corporate body one thousand pounds, and in any other case five hundred pounds or imprisonment for any term not exceeding ~~two~~ five years :

Person acquiring interest in land in excess guilty of a crime.

15 Provided that this subsection shall not apply in cases where the interest is exempted from the operation of Part XIII of the Land Act by section three hundred and forty-seven thereof.

Acquisition of Native Land.

27. (1.) The Minister of Lands is hereby empowered to purchase from time to time areas of Native land in the North Island not 20 exceeding in all two million acres.

Areas of Native land may be purchased.

(2.) The areas to be purchased and the prices to be paid therefor shall in every case be approved by the Governor in Council.

(3.) The purchases shall be deemed to be made by the Minister on behalf of the Superintendent under the New Zealand State- 25 guaranteed Advances Act, 1909 (hereinafter called "the Superintendent"), but the legal title shall be in the Crown.

(4.) For the purposes of this section "Native land" means Native land as defined by any Act, and includes—

Native land defined

30 Land vested in incorporated owners under any Act providing for the incorporation of Native owners ;

Land vested in Maori Land Boards ;

Native townships, whether townships under the Native Townships Act, 1895, or townships vested in Maori Land Boards under any Act providing therefor.

35 (5.) For the purposes of this section any incorporated body of Native owners or any Maori Land Board is hereby empowered to sell to the said Minister any land vested in it.

28. Where the Governor in Council is of opinion that in the case of any specified area of Native land owned in severalty no 40 agreement for purchase can be come to, the following special provisions shall apply :—

Provisions for taking compulsorily if no agreement made.

45 (a.) The land may be taken compulsorily under the provisions of the Land for Settlements Act relating to the compulsory acquisition of private land, and those provisions (including the provisions as to compensation and the constitution of the Compensation Court) shall accordingly, *mutatis mutandis*, apply, subject, however, to the modifications hereinafter mentioned in this section.

50 (b.) The land shall be deemed to be taken on behalf of the Superintendent, but the legal title shall be in the Crown.

(c.) The Governor may from time to time make regulations prescribing the notices to be given, the mode of service of notices and documents, and generally the procedure to be followed in cases of compulsory acquisition and compensation proceedings under this section. 5

(d.) Subsection two of section three of the Land Act shall apply to all such regulations.

Purchase-money payable out of Land for Settlements Account.

29. (1.) The moneys payable in respect of the purchase or acquisition of Native land as aforesaid, with the expenses of and incident thereto, shall be paid out of the Land for Settlements Account without further appropriation than this Act. 10

Amount to be expended.

(2.) The amount to be expended for those purposes in the financial year commencing on the first day of April, nineteen hundred and ten, and in each financial year thereafter, shall not exceed five hundred thousand pounds. 15

Land purchased to be settlement land.

30. All land so purchased or acquired shall by force of this Act be deemed to be settlement land, anything in the Land for Settlements Act to the contrary notwithstanding :

Provided that such of it as is classed by the Board with the approval of the Minister of Lands as undeveloped land shall be disposed of on the optional system under the Land Act in like manner in all respects as if it were ordinary Crown land, save that the proceeds shall be paid into the Land for Settlements Account. 20

Papakaingas and other reserves exempted from purchase.

31. Nothing hereinbefore contained shall be construed to authorise the purchase or acquisition of papakainga land or land reserved for the personal use or occupation of Natives. 25

Plans of Proposed Towns.

32. (1.) Section sixteen of the Land Act is hereby amended as follows :—

(a.) By substituting the words “ sold, leased, or otherwise disposed of as a town, or are to be advertised for sale, lease, or other disposal as a town.” for the words “ sold or advertised for sale as a town ” ; and also 30

(b.) By substituting the words “ prior to any such sale, lease, or other disposition being made, or any such advertisement being published,” for the words “ prior to sale.” 35

Penalty.

(2.) Every person who, being the owner of the land referred to in the aforesaid section sixteen, commits any breach of that section with respect to that land is liable to a fine not exceeding one hundred pounds. 40

Plan not to be deposited until approved.

(3.) In no case shall any plan of a town as mentioned in the aforesaid section sixteen be deposited under the Land Transfer Act, 1908, or the Deeds Registration Act, 1908, or shall any instrument purporting to transfer, convey, lease, or otherwise deal with any allotment or subdivision shown on such plan be registered unless the plan has been duly approved by the Governor in terms of that section. 45

(4.) Every deposit or registration made in breach of the last preceding subsection hereof shall be absolutely void for all purposes.

National Endowment Land.

33. The provisions hereinbefore contained relating to the acquisition of the fee-simple shall not apply in the case of national endowment land or land which at the time of any proposed acquisition would be national endowment land if those provisions were not in force.

National endowment lands not affected.

34. (1.) With respect to such of the moneys in the National Endowment Account as pursuant to section two hundred and sixty-three of the Land Act are to be applied each year for the purposes of education, the following provisions shall have effect:—

Application of moneys set apart for education.

(a.) One-fifth of such moneys shall be applied by the Minister of Finance for the benefit of university education in connection with the Auckland University College, the Victoria College, the Canterbury College, and the Otago University in such manner as is approved by resolution of both Houses of Parliament.

(b.) Within ten days after the commencement of the first session of Parliament in each financial year the said Minister shall lay before both Houses a return showing the moneys so applied by him during the year, and the mode in which they have been applied.

(2.) Section two hundred and sixty-four of the Land Act shall be construed subject to this section.

Small Grazing-runs.

35. Section two hundred and eight of the Land Act (classification and proclamation of small grazing-runs) is hereby repealed, and the following is hereby substituted in lieu thereof:—

Repeal.

“208. (1.) Any pastoral lands may be classified by the Board as small grazing-runs.

Classification of small grazing-runs.

“ (2.) Upon such classification being approved by the Minister the Governor may from time to time by Proclamation set aside the lands so classified, and subdivide them into such grazing-run areas, not exceeding fifteen thousand acres in any run, as he thinks fit, to be disposed of under this Part of this Act.”

36. Section two hundred and nine of the Land Act (rental of small grazing-runs) is hereby amended by repealing subsection one thereof and substituting the following:—

Rent of small grazing-runs.

“ (1.) Such runs may be declared open for lease on application at such yearly rent as is fixed by the Board and approved by the Governor.”

37. (1.) With respect to all leases of small grazing-runs granted after the coming into operation of this Act, the right of renewal given by section two hundred and eighteen of the Land Act shall be for one term only.

Renewal of lease for one term only.

(2.) In its application to such leases that section is hereby consequentially amended by inserting at the end of paragraph (b) thereof the words “and excepting also as to the provision for renewal.”

(3.) Sections two hundred and nineteen to two hundred and twenty-one of the Land Act shall not apply to such leases.

Compensation for
improvements.

(4.) On the expiry by effluxion of time of any such lease, if the renewal is not accepted, or, as the case may be, on the like expiry of the renewed term, the outgoing lessee shall be entitled to compensation for improvements in the manner and subject to the provisions following, that is to say:—

(a.) A valuation shall be made by the Board of all substantial improvements of a permanent character made and then existing on the land.

(b.) If the outgoing lessee does not agree to such valuation, the matter shall be referred to arbitration.

(c.) The amount of such valuation when finally ascertained, or such portion thereof as the Board determines, shall be paid to the outgoing lessee, less any arrears of rent owing under the lease, out of any moneys that may be appropriated by Parliament for that purpose.

Section 218 of Land
Act amended.

38. (1.) Section two hundred and eighteen of the Land Act (providing for renewals of leases of small grazing-runs) is hereby amended by substituting the words "by effluxion of time" for the words "or other determination."

(2.) The amendment made by this section shall apply to now-existing leases as well as to those hereafter granted.

Pastoral Runs.

Term of certain
pastoral licenses
in Canterbury
District extended.

39. Whereas under section two hundred and forty-four of the Land Act it is provided that if the Governor determines that on the expiry of any lease or license of a pastoral run it is again to be let for pastoral purposes, it shall be offered at auction at least twelve months before the expiry of the existing lease or license: And whereas certain pastoral licenses of runs in the Provincial District of Canterbury will expire on the twenty-eighth day of February, nineteen hundred and eleven: And whereas the Commissioners appointed under section two hundred and twenty-five of the same Act to classify all rural lands have not yet completed their work of classification in the said provincial district: And whereas, until they have done so, the Governor cannot determine whether the runs comprised in the aforesaid pastoral licenses should again be let for pastoral purposes: Now, therefore, it is hereby declared that the term of every such license is extended until the twenty-eighth day of February, nineteen hundred and twelve.

Commissioners
to report as to
grassing.

40. In the case of such rural lands as are classified as aforesaid into pastoral lands, the Commissioners making the classification shall report to the Governor their opinion as to the extent to which the pastoral lands (whether occupied or not) are in grass, the nature and quality of the grasses used, and generally the condition of the land with respect to grass.

Governor may
resume occupied
pastoral land for
grassing-areas.

41. (1.) The Governor may at any time, and from time to time by notice in the *Gazette*, resume land comprised in any pastoral lease or license and set the same apart as a grassing-area for the purpose of making experiments in the sowing and growing of grasses:

Provisions as to
such areas.

Provided that the land resumed shall not exceed three hundred acres in the case of any one run, nor shall the area resumed comprise any buildings or stockyards.

(2.) The aforesaid *Gazette* notice shall specify with reasonable particularity the situation and area of the land resumed.

(3.) In every case where land comprised in a run is resumed under this section the land resumed shall cease to form part of the run, and the rent reserved by the lease or license of the run shall be proportionately abated.

(4.) For the purposes of such experiments as aforesaid the Minister may from time to time out of moneys appropriated by Parliament carry on such works and incur such expenses as he thinks fit.

New clause.

41A. The Board may, in the case of any small grazing-run or pastoral run, require the lessee or licensee to divide by means of a sufficient fence the grazing area of the run into three approximately even parts, and to so work his run that in each year stock shall not be allowed to depasture in one of such parts in rotation between the first day of September and the last day of February in the following year.

Provision as to working and fencing grazing or pastoral run.

42. (1.) In any case where land comprised in a run has been resumed as aforesaid the Governor may at any time by notice in the *Gazette* revoke the resumption, and thereupon the land may be restored to the run on such terms as to rent and otherwise as are agreed on between the Board and the run-holder.

Resumption may be revoked and area restored to run.

(2.) If no such agreement is come to, the land shall be held and disposed of under such of the provisions of the Land Acts as the Board thinks fit, subject, however, to the approval of the Minister.

43. (1.) For the purpose of making such experiments as aforesaid the Governor may, at any time and from time to time, by notice in the *Gazette*, set apart unoccupied pastoral land as grassing-areas, comprising in each case not more than three hundred acres.

Governor may set apart unoccupied pastoral land as grassing-areas.

(2.) Subsection *four* of section *forty-one* hereof shall apply to each such grassing-area.

Arbitration.

44. (1.) In order to establish a uniform system of arbitration under the Land Act, it is hereby declared that in every case where it is provided by that Act or this Act that any matter shall be referred to arbitration the reference shall be deemed to be a submission within the meaning of the Arbitration Act, 1908, and that Act shall accordingly apply, subject, however, to the following provisions, that is to say:—

Uniform system of arbitration established.

(a.) The reference shall be to two arbitrators, one to be appointed by each party to the reference, and an umpire to be appointed by the arbitrators before proceeding with the reference.

(b.) If the arbitrators agree upon the matter referred to them, their decision shall be final and binding on the parties.

(c.) If by reason of default of appointment a sole arbitrator acts as provided by the Arbitration Act, 1908, his decision shall be final and binding on the parties.

(d.) If no decision is arrived at by the arbitrators, or, as the case may be, the sole arbitrator, within twenty-eight days after the reference was made to them or him, then the umpire shall proceed with the reference, and his decision shall be final and binding on the parties.

(e.) Each party shall pay his own costs of and incidental to the reference and to the appointment of his arbitrator; but the costs of and incidental to the appointment of the umpire shall be paid equally by the parties:

Provided that all costs, fees, and expenses of or incidental to any arbitration under section one hundred and eighty-four, or one hundred and ninety-two of the Land Act, or section *sixteen* of this Act shall be paid by the lessee. 5

Repeals.

(2.) Consequent on the foregoing provisions of this section, subsection one of section eighty of the Land Act is hereby modified so far as is necessary, and subsections two to five thereof are hereby repealed. 10

(3.) For the same reason subsections two and three of section one hundred and eighty-seven of the same Act are hereby repealed, and the other provisions of that section are hereby repealed or modified so far as is necessary. 15

Other Amendments.

Selector to be twenty-one years of age.

45. (1.) No person under the age of twenty-one years shall hereafter be qualified to become a selector or to acquire land under the Land Acts. 20

Consequential amendments.

(2.) Consequent on the foregoing provision, section ninety-six of the Land Act is hereby amended by substituting the words "twenty-one" for the word "seventeen"; and subsection two of that section, in so far as it relates to that Act, shall apply only to minors who hold land under that Act on the coming into operation of this Act. 25

Section 109 of Land Act amended.

46. Section one hundred and nine of the Land Act (disqualifying for subsequent land-ballots a successful applicant who has disposed of his allotment) is hereby amended by repealing all references to the Land for Settlements Act, 1908, due provision being contained in that Act. 30

Rebate of rent only when tenant has four children.

47. In no case shall any rebate of rent be granted to a Crown tenant under section one hundred and sixteen of the Land Act, or to a lessee under section fifty-five of the Land for Settlements Act, 1908, unless the Commissioner and the Receiver are satisfied that the tenant or lessee, as the case may be, has at least four children under the age of sixteen years. 35

Improvements on third-class lands.

48. Section one hundred and sixty-six of the Land Act (improvements on cash lands) is hereby amended by adding, at the end of subsection one thereof, the words "and five shillings per acre on third-class lands." 40

Section 178 of Land Act amended.

49. The provisions of section one hundred and seventy-eight of the Land Act (surrender of leases) are hereby extended to include licenses for occupation with right of purchase and the holders thereof. 45

Section 225 of Land Act amended.

50. Section two hundred and twenty-five of the Land Act (classification of pastoral lands) is hereby amended by substituting the words "Commissioner of Crown Lands" for the words "Chief Surveyor" in subsection two thereof.

Section 347 of Land Act amended.

51. Section three hundred and forty-seven of the Land Act (exempting certain interests from Part XIII) is hereby amended by adding the following paragraphs:— 50

“(d.) Any interest acquired under sections eleven, one hundred and forty, or one hundred and forty-two of this Act :

“(e.) Any interest acquired in respect of land received from the Crown or any local authority pursuant to any contract or arrangement for exchange of land for roads or any public purpose.”

52. In order to reconcile certain conflicting provisions of the Land Act and amend certain verbal inaccuracies, that Act is hereby amended as follows :—

Miscellaneous amendments of Land Act.

10 As to section sixty-two : By repealing the words “or pastoral” in subsection seven thereof, thereby harmonising it with section two hundred and thirty-three.

15 As to section one hundred and thirty-five : By repealing the same, substituted provisions being contained in section one hundred and ninety.

As to section one hundred and fifty-five : By repealing subsection three thereof, and substituting the following subsection, thereby harmonising it with section one hundred and twenty-five :

20 “(3.) The price shall not be less than twenty shillings per acre for first-class land, ten shillings per acre for second-class land, and five shillings per acre for third-class land.”

25 As to section one hundred and ninety-two : By enacting that the improvements referred to in subsection three thereof mean, and at all times have meant, the improvements effected by the lessee or to which he is entitled.

30 As to section two hundred and forty-four : By substituting the words “in subsection three hereof” for the words “in this subsection” in subsection five thereof.

General.

53. All charges, securities, rights, powers, and functions held or exercisable under this Act in respect of settlement lands by the Crown or any Minister or other person shall be deemed to be held and exercisable on behalf of the Superintendent (but without his name appearing).

Charges, powers, &c., in respect of settlement lands to be held and exercised for Superintendent.

54. (1.) The Governor may from time to time make regulations under this Act or the Land Act for any matter or thing that by this Act is expressed to be prescribed and generally for more fully carrying out the objects and purposes of this Act.

Regulations.

(2.) The provisions of subsection two of section three of the Land Act, shall extend and apply to all such regulations.

Schedule.

SCHEDULE.

TABLE OF HALF-YEARLY INSTALMENTS FOR EVERY £100, WITH INTEREST AT 4 PER CENTUM PER ANNUM.

Half-year.	Half-yearly Instalment.	Apportioned			Balance of Principal outstanding.	Half-year.	Half-yearly Instalment.	Apportioned			Balance of Principal outstanding.
		On Account of Interest, 4 per Centum.	On Account of Principal.					On Account of Interest, 4 per Centum.	On Account of Principal.		
(1)	£ s. d.	£ s. d.	£ s. d.	£ s. d.	(1)	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
1	2 14 10	2 0 0	0 14 10	99 5 2	34	2 14 10	1 6 4	1 8 6	64 7 1		
2	"	1 19 8	0 15 2	98 10 0	35	"	1 5 9	1 9 1	62 18 0		
3	"	1 19 5	0 15 5	97 14 7	36	"	1 5 2	1 9 8	61 8 4		
4	"	1 19 1	0 15 9	96 18 10	37	"	1 4 7	1 10 3	59 18 1		
5	"	1 18 9	0 16 1	96 2 9	38	"	1 3 11	1 10 11	58 7 2		
6	"	1 18 5	0 16 5	95 6 4	39	"	1 3 4	1 11 6	56 15 8		
7	"	1 18 1	0 16 9	94 9 7	40	"	1 2 8	1 12 2	55 3 6		
8	"	1 17 9	0 17 1	93 12 6	41	"	1 2 1	1 12 9	53 10 9		
9	"	1 17 5	0 17 5	92 15 1	42	"	1 1 5	1 13 5	51 17 4		
10	"	1 17 1	0 17 9	91 17 4	43	"	1 0 9	1 14 1	50 3 3		
11	"	1 16 9	0 18 1	90 19 3	44	"	1 0 1	1 14 9	48 8 6		
12	"	1 16 5	0 18 5	90 0 10	45	"	0 19 4	1 15 6	46 13 0		
13	"	1 16 0	0 18 10	89 2 0	46	"	0 18 8	1 16 2	44 16 10		
14	"	1 15 8	0 19 2	88 2 10	47	"	0 17 11	1 16 11	42 19 11		
15	"	1 15 3	0 19 7	87 3 3	48	"	0 17 2	1 17 8	41 2 3		
16	"	1 14 10	1 0 0	86 3 3	49	"	0 16 5	1 18 5	39 3 10		
17	"	1 14 5	1 0 5	85 2 10	50	"	0 15 8	1 19 2	37 4 8		
18	"	1 14 1	1 0 9	84 2 1	51	"	0 14 11	1 19 11	35 4 9		
19	"	1 13 8	1 1 2	83 0 11	52	"	0 14 1	2 0 9	33 4 0		
20	"	1 13 3	1 1 7	81 19 4	53	"	0 13 3	2 1 7	31 2 5		
21	"	1 12 9	1 2 1	80 17 3	54	"	0 12 5	2 2 5	29 0 0		
22	"	1 12 4	1 2 6	79 14 9	55	"	0 11 7	2 3 3	26 16 9		
23	"	1 11 11	1 2 11	78 11 10	56	"	0 10 9	2 4 1	24 12 8		
24	"	1 11 5	1 3 5	77 8 5	57	"	0 9 10	2 5 0	22 7 8		
25	"	1 11 0	1 3 10	76 4 7	58	"	0 8 11	2 5 11	20 1 9		
26	"	1 10 6	1 4 4	75 0 3	59	"	0 8 0	2 6 10	17 14 11		
27	"	1 10 0	1 4 10	73 15 5	60	"	0 7 1	2 7 9	15 7 2		
28	"	1 9 6	1 5 4	72 10 1	61	"	0 6 2	2 8 8	12 18 6		
29	"	1 9 0	1 5 10	71 4 3	62	"	0 5 2	2 9 8	10 8 10		
30	"	1 8 6	1 6 4	69 17 11	63	"	0 4 2	2 10 8	7 18 2		
31	"	1 7 11	1 6 11	68 11 0	64	"	0 3 2	2 11 8	5 6 6		
32	"	1 7 5	1 7 5	67 3 7	65	"	0 2 1	2 12 9	2 13 9		
33	"	1 6 10	1 8 0	65 15 7	66	"	0 1 1	2 13 9	...		