

Right Hon. Sir J. G. Ward.

LAND LAWS AMENDMENT.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Interpretation.</p> <p style="text-align: center;"><i>Acquisition of Fee-simple.</i></p> <p>3. Lessee may purchase fee-simple of lease-in-perpetuity lands.</p> <p>4. Provisions to be complied with.</p> <p>5. Purchase-price. Mode of payment of purchase-money.</p> <p>6. Unpaid instalments to be first charge on land.</p> <p>7. Apportionment of purchase-charge among several subdivisions.</p> <p>8. Purchaser entitled to certificate of title. Restrictions to be shown on title.</p> <p>9. Repeal.</p> <p style="text-align: center;"><i>Special as to Lands in Mining Districts.</i></p> <p>10. Special provisions where land in a mining district.</p> <p style="text-align: center;"><i>Other Provisions as to Purchase.</i></p> <p>11. Purchase-charge to be registered and recorded.</p> <p>12. Powers for enforcing charges.</p> <p>13. Purchase not affected by provisions as to limit of area.</p> <p>14. Section 191 of principal Act repealed.</p> <p>15. Proceeds of sales of settlement lands.</p> <p style="text-align: center;"><i>National Development Account.</i></p> <p>16. Moneys received from sales to be paid to National Development Account.</p> <p style="text-align: center;"><i>Non-aggregation.</i></p> <p>17. Limit of area that may be acquired reduced. Consequential amendments of other sections.</p> <p>18. Aggregation of estates limited. Occupation of land defined. Penalty for acquiring excessive interest in land.</p> <p style="text-align: center;"><i>Plans of Proposed Towns.</i></p> <p>19. Section 16 of principal Act amended. Penalty. Plan not to be deposited until approved.</p> <p style="text-align: center;"><i>National Endowment Land.</i></p> <p>20. Application of moneys set apart for education.</p> | <p style="text-align: center;"><i>Small Grazing-runs and Pastoral Runs.</i></p> <p>21. Repeal. Classification of small grazing-runs.</p> <p>22. Rent of small grazing-runs.</p> <p>23. Renewal of lease for one term only. Repeal. Compensation for improvements.</p> <p>24. Section 218 of principal Act amended.</p> <p>25. Governor may resume occupied pastoral land for grassing-areas. Provisions as to such areas.</p> <p>26. Resumption may be revoked and area restored to run.</p> <p>27. Governor may set apart unoccupied pastoral land as grassing-areas.</p> <p>28. Provision as to working and fencing grazing or pastoral run.</p> <p>29. Provision on expiry of pastoral leases, &c.</p> <p style="text-align: center;"><i>Arbitration.</i></p> <p>30. Uniform system of arbitration established. Repeals.</p> <p style="text-align: center;"><i>Other Amendments of Principal Act.</i></p> <p>31. Selector to be twenty-one years of age. Consequential amendments.</p> <p>32. Remitted rent to be a charge on the land.</p> <p>33. Section 178 of principal Act amended.</p> <p>34. Section 192 of principal Act amended.</p> <p>35. Section 347 of principal Act amended.</p> <p>36. Miscellaneous amendments of principal Act.</p> <p style="text-align: center;"><i>Settlement Lands.</i></p> <p>37. Section 45 of Land for Settlements Act amended.</p> <p>38. Settlement land not selected within a township.</p> <p>39. Deposits by successful applicants for settlement land. Repeal.</p> <p>40. Acquisition by way of lease.</p> <p>41. Provision where land reverts to the owner.</p> <p>42. Compensation for improvements.</p> <p>43. Compulsory acquisition by way of lease.</p> <p>44. Disposal by way of sublease.</p> <p style="text-align: center;"><i>General.</i></p> <p>45. Regulations. Schedules.</p> |
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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 1910, and it shall be read and construed with the Land Act, 1908 (hereinafter referred to as the principal Act).	
	(2.) In construing this Act with the principal 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
Interpretation.	2. In this Act, if not inconsistent with the context,—	
	“ Lease-in-perpetuity land ” means land held under the lease-in-perpetuity system of tenure :	15
	“ Prescribed ” means prescribed by regulations made under the principal Act or this Act :	
	“ Settlement land ” means land subject to the Land for Settlements Act, 1908.	20
	<i>Acquisition of Fee-simple.</i>	
Lessee may purchase fee-simple of lease-in-perpetuity lands.	3. The lessee of land held on the lease-in-perpetuity 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 :	25
	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 the incumbrance, lien, or interest agrees in writing that the purchase-charge in favour of the Crown hereinafter mentioned shall have priority over the same.	30
Provisions to be complied with.	4. For the purposes of the purchase the following provisions shall apply :—	
	(a.) The lessee who desires to purchase shall make application in that behalf to the Board, stating whether he desires to purchase for cash or on the instalment system as hereinafter provided.	35
	(b.) The application shall be accompanied by an application fee of ten pounds.	
	(c.) The applicant shall satisfy the Board that the statutory improvement and residential conditions subject to which the lease is held have been duly fulfilled up to the date of his application.	40
	(d.) The applicant shall also satisfy the Board that all rates and taxes payable in respect of the land have been duly paid.	45
	(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.

5 (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.

10 5. (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, and in addition one-fourth of the sum (if any) by which the unimproved value at the date of the purchase exceeds such original value: Purchase-price.

15 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 that value as remains unpaid at the time of the application to purchase the fee-simple shall be added to the capital value and included in the purchase-price.

20 (2.) The unimproved value at the date of the purchase shall be ascertained by the Board by valuation.

25 (3.) 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 *five* per centum per annum, by half-yearly instalments according to the table in the *First* Schedule hereto. Mode of payment of purchase-money.

30 (4.) 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.

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

35 6. 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 instalment to be first charge on land.

40 7. Where with the approval of the Board the purchaser subdivides the land for the purposes of sale, the Board may apportion the purchase-charge among the several subdivisions in such manner as it thinks fit; and the person to whom any such subdivision is sold shall be liable only for the amount of such purchase-charge apportioned to that subdivision. Apportionment of purchase-charge among several subdivisions.

45 8. (1.) Upon the appropriate cash payment being made as aforesaid the lease shall determine and the purchaser shall be entitled to a certificate of title to the land: Purchaser entitled to certificate of title.

50 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).

(2.) The certificate of title shall show on its face that it is issued, and that the land comprised therein is held, subject to the Restrictions to be shown on title.

conditions and restrictions of the Land Acts relating to charges and non-aggregation.

(3.) In any case where the lease specially limits the right of the lessee to the surface-soil of the land, the certificate of title shall be issued subject to the like limitations.

Repeal.

9. Section one hundred and seventy-seven of the principal 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.

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Special as to Lands in Mining Districts.

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Special provisions where land in a mining district.

10. In every case where, under the foregoing provisions as to purchase, the land is situate in a mining district the following special provisions shall apply:—

- (a.) The applicant shall pay to the Receiver of Land Revenue the sum of ten pounds as a deposit in respect of the expenses hereinafter referred to. 15
- (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. 20
- (d.) After duly considering all such objections, 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. 25
- (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 the application shall not be granted unless it is approved by both of them. 30
- (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 to impose. 35
- (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. 40
- (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. 45
- (j.) The aforesaid deposit shall be applied in or towards paying such expenses; any surplus shall be refunded to the applicant, and any deficiency shall be payable by him as a debt due to the Crown.

Other Provisions as to Purchase.

11. (1.) The purchase-charge 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.

Purchase-charge to be registered and recorded.

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

10 12. (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 a mortgagee in the case of a duly registered memorandum of mortgage.

Powers for enforcing charges.

(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.

15 (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 or the charge may be apportioned in such manner and subject to such conditions as are prescribed, but so that the unimproved value of the land released shall not in any case exceed
20 the total amount paid on account of the purchase-money.

13. Land purchased under section *three* hereof shall not be deemed to be acquired within the meaning of section ninety-seven or section three hundred and forty-one of the principal Act.

Purchase not affected by provisions as to limit of area.

Struck out.

25 14. Section one hundred and ninety-one of the principal Act (giving to 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 principal Act repealed.

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

15. 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.

35 16. (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.

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

40 (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.

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

Non-aggregation.

17. (1.) Section ninety-seven of the principal Act is hereby amended as follows:—

Limit of area that may be acquired reduced.

- (a.) In subsection one thereof, by omitting the words "five thousand" and substituting the words "two thousand five hundred."
- (b.) In subsection seven thereof, by omitting the words "seven and a half" and substituting the words "six and a quarter." 5
- (2.) 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 principal Act are hereby modified in so far as they are inconsistent with this section. 10
18. (1.) In order to better prevent the aggregation of estates section three hundred and forty-one of the principal Act is hereby amended by substituting the words "two thousand five hundred" for the words "five thousand."
- (2.) For all the purposes of the said 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. 15
- (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 principal Act, he shall be punishable on indictment by a fine not exceeding in the case of a corporate body one thousand pounds, and in any other case five hundred pounds or imprisonment for any term not exceeding five years: 20 25
- Provided that this subsection shall not apply in cases where the interest is exempted from the operation of Part XIII of the principal Act by section three hundred and forty-seven thereof. 30

Consequential amendments of other sections.

Aggregation of estates limited.

Occupation of land defined.

Penalty for acquiring excessive interest in land.

Plans of Proposed Towns.

Section 16 of principal Act amended.

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

Penalty.

Plan not to be deposited until approved.

- (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 35
- (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." 40
- (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.
- (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 50

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

National Endowment Land.

20. (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:—
- (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 principal Act shall be construed subject to this section.

Application of moneys set apart for education.

Small Grazing-runs and Pastoral Runs.

21. Section two hundred and eight of the principal Act (relating to the classification and proclamation of small grazing-runs) is hereby repealed, and the following is hereby substituted in lieu thereof:—
- “208. (1.) Any pastoral lands may be classified by the Board as 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.”
22. Section two hundred and nine of the principal Act (relating to the leasing of small grazing-runs) is hereby amended by repealing subsection one thereof, and substituting the following:—
- “(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 (being not less than four and a half per centum of the capital value).”
23. (1.) The right of renewal of leases of small grazing-runs given by section two hundred and eighteen of the principal Act shall be for one term only, and 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.”
- (2.) Sections two hundred and nineteen to two hundred and twenty-one of the principal Act are hereby repealed.
- (3.) On the expiry or other determination of any such lease the outgoing lessee shall (unless he accepts a renewed lease as provided by the said section two hundred and eighteen as amended by this

Repeal.

Classification of small grazing-runs.

Rent of small grazing-runs.

Renewal of lease for one term only.

Repeal.

Compensation for improvements.

section) 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. 5
- (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. 10

(4.) This section does not apply to leases made before the commencement of this Act.

Section 218 of principal Act amended.

24. (1.) Section two hundred and eighteen of the principal 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." 15

(2.) The amendment made by this section shall apply to now-existing leases as well as to those hereafter granted. 20

Governor may resume occupied pastoral land for grassing-areas.

25. (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. 25

(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. 30

(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. 35

Resumption may be revoked and area restored to run.

26. (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. 40

(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.

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

27. (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. 45

(2.) Subsection *four* of section twenty-seven *five* hereof shall apply to each such grassing-area. 50

Provision as to working and fencing grazing or pastoral run.

28. The Board may, in the case of any small grazing-run or pastoral run, require the lessee or licensee to divide by means of

sufficient fences the grazing area of the run into three approximately equal parts, and to so work his run that stock shall not be allowed to depasture in one of such parts in rotation between the first day of September in each year and the last day of February in the following year.

29. (1.) If at the expiry of any lease or license of pastoral lands it is determined by the Minister that the land comprised in the lease or license is capable of occupation in more than one holding, or can better be disposed of under Part III of the principal Act, the lessee or licensee shall not be offered or entitled to a new pastoral lease of the land, but in lieu thereof the land shall be valued, classified, and (if necessary) subdivided into two or more holdings, the improvements effected by the outgoing lessee or licensee being valued under the provisions of section two hundred and eighteen of the principal Act, and the estimated value thereof being a first charge upon the new holding on which they are situated.

Provision on expiry of pastoral leases, &c.

(2.) Prior to the new holdings being offered for lease or sale, the outgoing lessee or licensee shall have the option of selecting any one of such holdings on such tenure as may be fixed by the Board and approved by the Minister, paying therefor the upset rental or capital value (as the case may be) at which it has been decided to offer the land for selection.

(3.) The value of improvements on the remaining holding or holdings shall be paid by the incoming tenant to the outgoing lessee or licensee in the manner prescribed by sections seventy-two to seventy-eight of the principal Act.

(4.) If the outgoing lessee or licensee does not desire to avail himself of the aforesaid option, the value of the improvements on all the holdings shall be paid over to him in the manner prescribed by those sections.

Arbitration.

30. (1.) In order to establish a uniform system of arbitration under the principal 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: 5

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 principal Act, or section *twelve* of this Act shall be paid 10 by the lessee.

Repeals.

- (2.) Section eighty of the principal Act is hereby repealed.

(3.) Section one hundred and eighty-seven of the principal Act is hereby amended by omitting all the words of subsection one after the word "accordingly," and by repealing subsections two and 15 three.

Other Amendments of Principal Act.

Selector to be twenty-one years of age.

31. (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 principal 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 25 of this Act.

Remitted rent to be a charge on the land.

32. Section one hundred and seventeen of the principal Act is hereby amended by the addition of the following subsection:—

"(3.) The rent so remitted shall remain as a charge upon the land until payment, and shall be paid by the lessee prior to transfer 30 of his interest in the land, and no transfer of a lessee's interest shall be approved by the Board unless all rent so remitted is paid, or unless the Board is satisfied that the consideration-money to be paid by the incoming tenant is sufficient only to cover the value of improvements effected by the outgoing lessee." 35

Section 178 of principal Act amended.

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

Section 192 of principal Act amended.

34. The improvements mentioned in subsection three of section 40 one hundred and ninety-two of the principal Act shall mean and shall be deemed to have at all times meant the improvements effected by the lessee or to which he is entitled, and no others.

Section 347 of principal Act amended.

35. Section three hundred and forty-seven of the principal Act (exempting certain interests from Part XIII) is hereby amended by 45 adding the following paragraphs:—

"(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 50 arrangement for exchange of land for roads or any public purpose:

“ (f.) Any interest acquired in respect of land formerly used or laid off as a road, but subsequently closed or stopped, whether under the provisions of the Public Works Act or any other enactment, and sold to any person :

5 Provided that this paragraph shall apply to all cases of sale of closed or stopped roads since the passing of the Land Laws Amendment Act, 1907, and any memorandum under section three hundred and forty-six of the principal Act on any certificate of title for such closed or stopped
10 road shall, on application to the District Land Registrar, be removed or cancelled.”

36. The principal Act is hereby further amended in the manner and to the extent mentioned in the *Second* Schedule hereto.

Miscellaneous amendments of principal Act.

Settlement Lands.

15 37. Section forty-five of the Land for Settlements Act, 1908, is hereby amended by adding to subsection four the following proviso:—

Section 45 of Land for Settlements Act amended.

20 “ Provided that when an allotment has been opened for selection at such capital value and has not been selected within one year from the date of opening, the Minister may reduce the capital value of that allotment to such amount as he thinks fit.”

25 38. (1.) Allotments of settlement land situated within a township opened for selection and not disposed of within one year from the date of opening may be leased for grazing purposes for any period not exceeding five years to any applicant who makes the declaration prescribed for applicants for Crown land, whether or not such applicant already holds another allotment under the Land for Settlements Act, 1908, or any Act repealed thereby.

Settlement land not selected within a township.

30 (2.) Such lease may be determined at any time by three months' written notice of intention to do so being given by the Commissioner to the lessee.

35 (3.) The lessee shall not be entitled to compensation for any improvements he may effect upon the allotment, but he may remove any such improvements prior to the expiry of his lease, whether by determination or effluxion of time.

40 39. (1.) The provisions of section sixty-three of the principal Act relating to the payment of deposits by successful applicants for surveyed renewable-lease land and to the application of such deposits shall apply to successful applicants for land under the Land for Settlements Act, 1908, as well as to those under the principal Act :

Deposits by successful applicants for settlement land.

45 Provided that the amount of the deposit shall be at the rate of two and a quarter per centum in lieu of two per centum.

 (2.) Paragraphs (q), (r), and (s), of subsection one of section fifty-one of the Land for Settlements Act, 1908, are hereby repealed.

Repeal.

 40. (1.) In addition to acquiring the fee-simple of land for settlement the Governor in Council may, on the recommendation of the Board, acquire land (whether European or Native) for the purposes of the Land for Settlements Act by way of lease, either by agreement with the owner or compulsorily.

Acquisition by way of lease.

(2.) Every lease shall be for a term of thirty-three years, and shall contain a provision that on the expiration of the said term the Governor shall, on giving at least twelve months' previous notice in writing, be entitled to a renewal of the lease of the land, or of so much thereof as under the provisions hereinafter contained shall remain unsold to sublessees for the like term and on the same conditions (including the provision for a renewal) as the expiring lease, save that the rental for the renewed term shall be fixed by agreement between the Minister and the owner, or in the absence of agreement by the Court, in manner hereinafter appearing in case of compulsory acquisition by way of lease. 5 10

(3.) Every such lease shall contain a provision binding the Governor to purchase and the owner to sell at the expiration of ten years from the date of the lease the land comprised in the lease, or such part of that land as under the provisions hereinafter contained remains unsold to sublessees. 15

(4.) The obligation imposed by the *last preceding* subsection shall arise only if the one party has given to the other party at least twelve months' previous notice in writing of his intention to enforce such obligation. 20

(5.) If such sale and purchase does not take place within twelve months after the expiration of the said term of ten years, the Governor shall have the right, in case of the renewal of the said lease, to purchase the said land or such part thereof as remains unsold aforesaid at any time within twelve months from the commencement of the said renewal by giving to the owner three months' previous notice in writing of his intention so to do. 25

(6.) The price to be paid by the Governor for the fee-simple of the said land shall, in the absence of agreement between the owner and the Minister, be a sum equivalent to the capitalised value of the rent (calculated at ~~five~~ four per centum) reserved in the lease or in the renewal thereof, and should part of the said land be sold to sublessees under the provisions hereinafter contained, then the price to be paid for the balance of the land shall be the said sum, less the total of all purchase-money paid by sublessees to the owner for the fee-simple of the lands comprised in their subleases. 30 35

New subclause.

(7.) Land acquired by way of lease shall be exempt from the provisions of Part V of the Land and Income Assessment Act, 1908. 40

Provision where
land reverts to the
owner.

41. Should the lease expire without any renewal being applied for by the Governor, or should the lease be legally determined or be surrendered during its term, the Governor shall deliver up to the owner the land comprised in the lease in the same heart and condition as such land was in at the commencement of the said lease, and will also deliver up at the same time all buildings, fences, and other erections on the said land in the same state of repair (all reasonable wear-and-tear excepted) as such buildings, fences, and erections were in at the date of the commencement of the said lease, and, failing the Governor being able to perform or carry out this obligation, there shall be paid to the owner, by way of compensation, the loss the owner sustains by such failure; and if no agreement can be come to between the owner and the Minister as to the amount of such compensation, it shall be determined by valuation and arbitration in the manner provided by this Act. 45 50

42. (1.) If the Governor takes no renewal of the lease, or if it is determined or surrendered, the sublessee shall be entitled to be paid by the Governor the value of his unexhausted improvements at the time of the expiration, determination, or surrender of the lease, such value to be ascertained by valuation and arbitration in the manner provided by this Act.

Compensation for improvements.

(2.) The value of the unexhausted improvements made by the sublessee, so far as they benefit the future working of the land, shall be ascertained at the same time by valuation and arbitration in the manner provided by this Act, and the owner of the land shall pay to the Governor the value so ascertained.

43. Where the acquisition of land by way of lease has been recommended by the Board, but no agreement for a lease can be come to with the owner, the Governor may take the land (whether European or Native) compulsorily by way of lease on the said terms, and the following provisions shall then apply:—

Compulsory acquisition by way of lease.

(a.) The term of the lease shall commence on a ~~date~~ day to be fixed by the Court, and on that date possession of the land shall be given to the Crown by the owner.

(b.) The rent shall be determined by the Court, but shall not exceed a sum equivalent to four and a half per centum of the value of the land, including all improvements, as determined by the Court.

(c.) The rent shall be paid by the Receiver of Land Revenue half-yearly on the first day of January and the first day of July in each year:

Provided that, in addition to the first half-yearly payment, there shall be paid rent for the period between the date of the commencement of the lease and the said first day of January or first day of July.

(d.) No land shall be acquired by compulsory lease unless the owner thereof holds (including the land sought to be so acquired) rural or pastoral land of an unimproved value of not less than forty thousand pounds.

(e.) Out of any area of land which the Governor proposes to acquire by compulsory lease the owner shall be entitled to retain any area the unimproved value of which does not exceed five thousand pounds.

(f.) Subject to the foregoing provisions of this section, sections fourteen to thirty-seven of the Land for Settlements Act, 1908, shall, *mutatis mutandis*, extend and apply.

44. (1.) The land acquired by the Governor by way of lease (whether by agreement or compulsorily) shall be disposed of by way of sublease in the manner provided by the Land for Settlements Act, 1908, in the case of other settlement lands, save that the term of the sublease shall not exceed the term of the lease; but in case the Governor takes a renewal of the said lease as hereinafter provided, the sublessee shall be entitled to a renewal of the sublease on the same terms and conditions as his first sublease, save that the rent shall be determined by valuation and arbitration as in the case of the renewable leases.

Disposal by way of sublease.

(2.) Every sublessee shall be at liberty at any time during the currency of his term to purchase and the owner shall, notwithstanding any obligation imposed upon him by the lease, be at liberty to sell the fee-simple of the land comprised in such sublease at such price as may be agreed upon between them, not being less than a sum equivalent to the capitalised value of the rent (calculated at five per centum) as is reserved in such sublease. 5

(3.) In case of such purchase, the rent reserved by such sublease shall cease to be payable, and the rental payable by the Crown to the owner under the lease shall be reduced by the amount of the rent reserved by such sublease. 10

(4.) If a part, but not the whole of the land comprised in the lease, is sold in fee-simple to sublessees, and if the Governor or owner is called upon under the foregoing provisions to purchase or sell respectively such part of the land comprised in the said lease as remains unsold, there shall be deducted from the purchase price the amount paid by the sublessee to the owner for the fee-simple of the land comprised in the sublease. 15

General.

Regulations.

45. (1.) The Governor may from time to time make regulations 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. 20

(2.) The provisions of subsection two of section three of the principal Act shall extend and apply to all such regulations. 25

SCHEDULES.

Schedules.

FIRST SCHEDULE.

TABLE OF HALF-YEARLY INSTALMENTS FOR EVERY £100, WITH INTEREST AT 5 PER CENTUM Section 5.
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, 5 per Centum.	On Account of Principal.				On Account of Interest, 5 per Centum.	On Account of Principal.	
(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	£ s. d.	£ s. d.	£ s. d.	£ s. d.		£ s. d.	£ s. d.	£ s. d.	£ s. d.
1	3 2 2	2 10 0	0 12 2	99 7 10	34	3 2 2	1 14 8	1 7 6	67 18 8
2	"	2 9 8	0 12 6	98 15 4	35	"	1 13 11	1 8 3	66 10 5
3	"	2 9 4	0 12 10	98 2 6	36	"	1 13 3	1 8 11	65 1 6
4	"	2 9 1	0 13 1	97 9 5	37	"	1 12 6	1 9 8	63 11 10
5	"	2 8 9	0 13 5	96 16 0	38	"	1 11 9	1 10 5	62 1 5
6	"	2 8 5	0 13 9	96 2 3	39	"	1 11 0	1 11 2	60 10 3
7	"	2 8 0	0 14 2	95 8 1	40	"	1 10 3	1 11 11	58 18 4
8	"	2 7 8	0 14 6	94 13 7	41	"	1 9 5	1 12 9	57 5 7
9	"	2 7 4	0 14 10	93 18 9	42	"	1 8 8	1 13 6	55 12 1
10	"	2 6 11	0 15 3	93 3 6	43	"	1 7 9	1 14 5	53 17 8
11	"	2 6 7	0 15 7	92 7 11	44	"	1 6 11	1 15 3	52 2 5
12	"	2 6 2	0 16 0	91 11 11	45	"	1 6 1	1 16 1	50 6 4
13	"	2 5 9	0 16 5	90 15 6	46	"	1 5 2	1 17 0	48 9 4
14	"	2 5 4	0 16 10	89 18 8	47	"	1 4 3	1 17 11	46 11 5
15	"	2 4 11	0 17 3	89 1 5	48	"	1 3 3	1 18 11	44 12 6
16	"	2 4 6	0 17 8	88 3 9	49	"	1 2 4	1 19 10	42 12 8
17	"	2 4 1	0 18 1	87 5 8	50	"	1 1 4	2 0 10	40 11 10
18	"	2 3 7	0 18 7	86 7 1	51	"	1 0 3	2 1 11	38 9 11
19	"	2 3 2	0 19 0	85 8 1	52	"	0 19 3	2 2 11	36 7 0
20	"	2 2 8	0 19 6	84 8 7	53	"	0 18 2	2 4 0	34 3 0
21	"	2 2 2	1 0 0	83 8 7	54	"	0 17 1	2 5 1	31 17 11
22	"	2 1 8	1 0 6	82 8 1	55	"	0 15 11	2 6 3	29 11 8
23	"	2 1 2	1 1 0	81 7 1	56	"	0 14 9	2 7 5	27 4 3
24	"	2 0 8	1 1 6	80 5 7	57	"	0 13 7	2 8 7	24 15 8
25	"	2 0 1	1 2 1	79 3 6	58	"	0 12 4	2 9 10	22 5 10
26	"	1 19 7	1 2 7	78 0 11	59	"	0 11 2	2 11 0	19 14 10
27	"	1 19 0	1 3 2	76 17 9	60	"	0 9 10	2 12 4	17 2 6
28	"	1 18 5	1 3 9	75 14 0	61	"	0 8 7	2 13 7	14 8 11
29	"	1 17 10	1 4 4	74 9 8	62	"	0 7 2	2 15 0	11 13 11
30	"	1 17 3	1 4 11	73 4 9	63	"	0 5 10	2 16 4	8 17 7
31	"	1 16 7	1 5 7	71 19 2	64	"	0 4 5	2 17 9	5 19 10
32	"	1 16 0	1 6 2	70 13 0	65	"	0 3 0	2 19 2	3 0 8
33	"	1 15 4	1 6 10	69 6 2	66	"	0 1 6	3 0 8	0 0 0

Section 86.

SECOND SCHEDULE.

MISCELLANEOUS AMENDMENTS OF THE LAND ACT, 1908.

Number of Section affected.	Nature of Amendment.
Section 41 (5)	By inserting, after the words "Crown lands," the words "or National endowment land."
Section 48 ...	By omitting all the words of paragraph (c) after the words "may be," and substituting the words "called by the Commissioner either on his own initiative, or pursuant to resolution of the Board, or on the request in writing of any three members of the Board."
Section 62 (7)	By omitting the words "or pastoral."
Section 63 ...	By adding the following new subsection:— " (4) 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 that half-yearly payment."
Section 82 ...	By omitting the words "and renewals or transfers thereof," and substituting the words "or other instruments relating to the occupation of land (including renewals and transfers of leases and licenses)"; by omitting the words "leases and licenses and renewals or transfers of leases and licenses under this Act," and substituting the words "such instruments"; by inserting, after the words "twenty-one shillings" in paragraph (d), the words "such fee to include the cost of the registration of the instrument in respect of which it was paid"; and by omitting all the words of that paragraph after the words "ten shillings."
Section 84 (1)	By omitting the words "and the Minister" wherever they occur in paragraph (a); and by inserting after the words "has taken place" in the same paragraph the words "Provided further that the permission of the Board shall not be given in cases where the aggregation of separate holdings is not in the public interest."
Section 125 ...	By omitting the words "two shillings and sixpence" in paragraph (c), and substituting "five shillings."
Section 135 ...	By repealing the section.
Section 155 (3)	By omitting all words after the words "first-class land," and substituting the words "ten shillings per acre for second-class land, and five shillings per acre for third-class land."
Section 166 (1)	By adding the words "and five shillings per acre on third-class lands."
Section 177 ...	By repealing the section.
Section 179 (2)	By omitting all the words after the words "Crown lands" down to and including the words "similar purport."
Section 192 (3)	By inserting, after the word "improvements," the words "effected or purchased by the lessee."
Section 225 (2)	By omitting the words "Chief Surveyor of," and substituting the words "Commissioner of Crown Lands for."
Section 244 (3)	By omitting 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 the lease or license," and substituting the words "The Board shall at least three months before the run is offered at auction."
Section 244 (5)	By omitting the words "this subsection," and substituting the words "subsection three of this section."
Section 332 ...	By omitting the words "which has been leased prior to the first day of November, one thousand eight hundred and ninety-two (being the date of the coming into operation of 'The Land Act, 1892')," and substituting the words "whether granted before or after the passing of this Act."