

# LAND SETTLEMENT PROMOTION AMENDMENT BILL

## EXPLANATORY NOTE

THIS Bill makes miscellaneous amendments to the Land Settlement Promotion Act 1952.

*Clause 2* provides that an application may be made to the Land Valuation Court for an order declaring whether or not any land is "farm land" as defined in the principal Act. Doubts have arisen as to whether the Court has jurisdiction to make such an order where there is no objection or application before the Court relating to the land, and the purpose of this clause is to remove that doubt.

*Clause 3 (1)*: Section 23 (3) (k) of the principal Act exempts from the provisions of Part II (relating to aggregation and to personal residence) contracts or agreements for the sale or transfer of any estate or interest in land by or by direction of the Board of Maori Affairs or any Maori Land Board, or to any such Board. The Maori Land Amendment Act 1952 abolished Maori Land Boards and conferred their rights and duties on the Maori Trustee. Section 5 of that Act provides that all references in any Act to a Maori Land Board are to be read as references to the Maori Trustee, and questions have now arisen as to whether, as a result of that amendment, all transactions to which the Maori Trustee is a party are exempt from Part II, and not only those in which he is exercising powers formerly exercised by a Maori Land Board. This clause re-enacts section 23 (3) (k) in an amended form so as to omit all references to the Maori Trustee, so that all transactions to which the Maori Trustee is a party will be subject to Part II of the principal Act, unless exempted under other provisions.

*Clause 3 (2)* makes it clear that the transactions which by virtue of section 23 (3) of the principal Act are exempt from the provisions of Part II include leases as well as transfers. One result of this amendment is that leases of farm land of an area of not more than 5 acres will be exempt. Transfers of farm land of not more than 5 acres are already exempt by virtue of section 23 (3) (r).

*Clause 4*: Under section 24 of the principal Act the consent of the Court is not required in any case where the purchaser or lessee does not own other farm land, has not since the passing of the Act created a trust in respect of farm land, intends to reside personally on the land, and makes and deposits with the District Land Registrar or Registrar of Deeds a statutory declaration to that effect. This clause provides that this procedure is not available in any case where there are more vendors or lessors than one unless they own the land as joint tenants or tenants in common. Thus where several such owners of several parcels of land combine to transfer or lease the land the transaction will require the consent of the Court.

*Clause 5* provides that the Land Valuation Court may give conditional consents to transactions to which Part II of the principal Act applies. Some conditional orders have been made in the past, and the clause is made retrospective in order to remove any doubt as to the validity of those orders.

*Hon. Mr Corbett*

**LAND SETTLEMENT PROMOTION  
AMENDMENT**

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**ANALYSIS**

- Title.  
1. Short Title.  
2. Meaning of "farm land".

3. Transactions that do not require consent of Court.  
4. Transfers and leases by several owners.  
5. Conditional consents.
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**A BILL INTITULED**

**AN ACT** to amend the Land Settlement Promotion Act 1952. Title.

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

1. This Act may be cited as the Land Settlement Promotion Amendment Act 1955, and shall be read together with and deemed part of the Land Settlement Promotion Act 1952 (hereinafter referred to as the principal Act). Short Title.  
1952, No. 34

2. Section two of the principal Act is hereby amended by adding the following subsection: Meaning of  
"farm land".

“(3) For the purposes of this Act an application may be made to the Land Valuation Court for an order declaring whether or not any land is farm land within the meaning of this Act, and the Court may make such an order whether or not there is before the Court any objection or application for consent to a transaction in respect of that land.”

Transactions  
that do not  
require consent  
of Court.

3. (1) Section twenty-three of the principal Act is hereby amended by repealing paragraph (*k*) of subsection three, and substituting the following paragraph:

“(*k*) Any contract or agreement for the sale or transfer of any estate or interest by or by direction of the Board of Maori Affairs or to that Board:” 5

(2) Section twenty-three of the principal Act is hereby further amended by adding the following subsection:

“(4) In subsection three of this section the term ‘transfer’ includes a lease.” 10

Transfers and  
leases by several  
owners.

4. Section twenty-four of the principal Act is hereby amended by adding to subsection one the following proviso:

“Provided that nothing in this subsection shall apply in any case where the contract or agreement is a sale or transfer or lease by several persons of several estates or interests in land, unless those persons are owners of those estates or interests as joint tenants or tenants in common.” 15

Conditional  
consents.

5. (1) Section twenty-nine of the principal Act is hereby amended as from the passing of that Act by inserting in subsection one, after the words “consenting to the transaction”, the words “either absolutely or subject to such conditions not inconsistent with the purposes of this Part of this Act as the Committee thinks fit”. 20

(2) Section twenty-nine of the principal Act is hereby further amended by adding the following subsection: 25

“(5) Where (whether before or after the commencement of this subsection) the Committee has made an order consenting to the transaction subject to conditions that are to be fulfilled before the completion of the transaction, the District Land Registrar or the Registrar of Deeds shall not register any instrument relating to the transaction unless he is satisfied, by statutory declaration made by a party to the transaction or by notice from the Committee or otherwise, that those conditions have been fulfilled.” 30 35