

SOIL CONSERVATION AND RIVERS CONTROL AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Soil Conservation and Rivers Control Act 1941. It provides that where land is taken by a Catchment Board the original owner, where part only of his land has been taken, shall be given the first option of taking up any lease later granted of this land by the Board.

Clause 1 relates to the Short Title.

Clause 2 amends section 135 of the principal Act by providing that where any Board takes land under the Public Works Act 1928 it is required, where part only of the original owner's land is so taken, to give the first option of taking up any lease of this land later granted by the Board to the original owner.

Clause 3: Subclause (1) amends section 140 of the principal Act by providing, that where the provisions of the Public Bodies Leases Act 1969 apply, the person from whom any land has been taken shall first be offered that land by way of lease before the calling of public applications.

Clause 3: Subclause (3) provides that any lease granted pursuant to subclause (1) shall be a lease for a term of not less than 2 years with a right of perpetual renewal or a lease in accordance with paragraph (b) of section 11 of the Public Bodies Leases Act 1969.

Clause 4 provides a right of appeal to a lessee who objects to the alteration of a condition of the tenancy whenever a lease is being renewed.

Hon. Mr Gordon

**SOIL CONSERVATION AND RIVERS CONTROL
AMENDMENT**

ANALYSIS

Title	2. Option to be given to original owner
1. Short Title	3. Leasing of farm land
	4. Right of appeal

A BILL INTITULED

**An Act to amend the Soil Conservation and Rivers Control
Act 1941**

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

1. **Short Title**—This Act may be cited as the Soil Conser-
vation and Rivers Control Amendment Act 1974, and shall be
read together with and deemed part of the Soil Conservation
and Rivers Control Act 1941 (hereinafter referred to as
10 the principal Act).

2. **Option to be given to original owner**—The principal Act
is hereby amended by adding the following proviso to para-
graph (a) of section 135:

15 “Provided that any Board taking land in manner
provided by the Public Works Act 1928, or purchas-
ing or otherwise acquiring any land, or any estate
or interest therein, shall be required, where part

only of the original owner's land has been taken, purchased or otherwise acquired, to give the first option of taking up any lease later granted by the Board of the land so taken to the original owner."

3. Leasing of farm land—The principal Act is hereby further amended by adding the following subsections to section 140: 5

"(2) Where farm land is let pursuant to the provisions of Part II of the Public Bodies Leases Act 1969 and subject to the proviso to paragraph (a) of section 135 of this Act the person from whom such land has been taken, purchased, or otherwise acquired under the said section 135 shall first be offered that land by way of lease before the calling of public applications. 10

"(3) Any lease granted to the original owner pursuant to subsection (2) of this section shall be a lease for a term of not less than 2 years with a right of perpetual renewal for the same term as that of the original lease or a lease in accordance with paragraph (b) of section 11 of the Public Bodies Leases Act 1969 and the provisions of sections 13 and 14 of that Act shall, with the necessary modifications, apply accordingly. 15 20

"(4) In the event of a breach of any of the conditions of the tenancy, the tenancy may be determined at any time by the Board in respect of the whole or any part of the land over which it was granted." 25

4. Right of appeal—Whenever a lease granted under section 3 of this Act is being renewed and the Board proposes to alter any condition of the tenancy, the lessee shall, if he objects to the proposed new condition, have a right of appeal against the proposed alteration to the Soil Conservation and Rivers Control Council whose decision shall be final. 30