

**1959/165****THE LAND SETTLEMENT PROMOTION REGULATIONS 1959**

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COBHAM, Governor-General  
ORDER IN COUNCIL

At the Government House at Wellington this 28th day of October 1959

Present:  
HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Land Settlement Promotion Act 1952, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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**REGULATIONS**

1. These regulations may be cited as the Land Settlement Promotion Regulations 1959.

2. For the purposes of section 26 of the Land Settlement Promotion Act 1952, the statutory declaration by the purchaser or lessee (or by each purchaser or lessee where there are more than one) as to the matters provided in paragraphs (a), (b), and (c) of subsection (1) of section 24 of that Act shall be in the form 1 in the Schedule to these regulations where the purchaser or lessee is an individual, and in form 2 in that Schedule where the purchaser or lessee is a company or a body corporate other than a company, or as near thereto as the circumstances of the case permit.

3. (1) Where any contract or agreement to which Part II of the Land Settlement Promotion Act 1952 applies relates to land that is situated in more than one land registration district or more than one registration district constituted under the Deeds Registration Act 1908, the statutory declaration by the purchaser or lessee may be deposited with the District Land Registrar or the Registrar of Deeds, as the case may be, of any one of the districts in which the land is situated.

(2) The production of a true copy of the statutory declaration on which is endorsed a certificate signed by the Registrar with whom the original was deposited that it was duly deposited within the time prescribed by section 24 (1) (d) of the Land Settlement Promotion Act 1952 shall be conclusive proof to every other Registrar in whose district is situated part of the land to which the contract or agreement relates that the declaration was duly deposited within the time so prescribed.

4. Nothing in Part II of the Land Settlement Promotion Act 1952 shall apply with respect to any renewal of a lease or of a contract or agreement for a lease pursuant to a provision in that behalf contained in the lease or contract or agreement.

5. The following regulations are hereby revoked:

- (a) The Land Settlement Promotion Regulations 1952\*:
- (b) The Land Settlement Promotion Regulations 1952, Amendment No. 1 †.

\*S.R. 1952/193

†S.R. 1953/115

## SCHEDULE

### Form 1

#### STATUTORY DECLARATION TO BE MADE WHERE PURCHASER IS AN INDIVIDUAL

In the matter of the Land Settlement Promotion Act 1952, and in the matter of [*Set out nature of the transaction*], dated the ..... day of ..... 19 ....., from [*Full name*] as Vendor (*or* Lessor) to [*Full name*] as Purchaser (*or* Lessee) affecting all that parcel of land [*Official description of land*] being all (part) of the land comprised and described in certificate of title, Volume ....., folio ..... (*..... Land Registry*).

I, [*Full name, address, and occupation*], solemnly and sincerely declare:

1. That I am the purchaser (*or* lessee) above named of the land above described, and I have entered into the transaction solely on my own behalf as the person beneficially entitled thereunder.

2. That I do not own, lease, hold, or occupy in fee simple or under any tenure of more than one year's duration, either severally, jointly, or in common with any other person, any farm land, as defined in the Land Settlement Promotion Act 1952, outside a city or borough or town district, and that I have no estate or interest, whether legal or equitable and whether vested or contingent, under any trust, will, or intestacy, in any such farm land.

3. That I am unmarried. (*Or* That my wife (*or* husband) does not own, lease, hold, or occupy in fee simple or under tenure of more than one year's duration, either severally, jointly, or in common with any other person, any farm land, as so defined, outside a city or borough or town district, and that she (*or* he) has no estate or interest, whether legal or equitable and whether vested or contingent, under any trust, will, or intestacy, in any such farm land.)

4. That no company of which I or my wife (*or* husband) is a member, the members of which are less than 10 in number, owns, leases, holds, or occupies in fee simple or under any tenure of more than

SCHEDULE—*continued*

one year's duration, either severally, jointly, or in common with any other person, any farm land, as so defined, outside a city or borough or town district, or has any estate or interest, whether legal or equitable and whether vested or contingent, under any trust or will, in any such farm land.

5. That I have attained the age of 17 years. (*Or* That neither my father nor my mother owns, leases, holds, or occupies in fee simple or under any tenure of more than one year's duration, either severally, jointly, or in common with any other person, any farm land as so defined, outside a city or borough or town district, or has any estate or interest, whether legal or equitable and whether vested or contingent, under any trust, will, or intestacy, in any such farm land.)

6. That I have not since the passing of the above-mentioned Act (namely, the 16th day of October 1952) transferred, granted, leased, or otherwise disposed of any estate or interest in farm land, as so defined, to any person as a trustee for any person or created any trust in respect of any estate or interest in any such farm land.

7. [*In the case of any transaction entered into after 7 October 1959 and before 31 August 1962*] That I intend to reside personally on the land and personally to farm it exclusively for my own use and benefit.

(*Or, where the land is acquired as an asset in a partnership business, That I am a member of a partnership of behalf of which the land is being acquired and am (or the above-named [Full names] and I between us are) entitled under the partnership agreement to not less than one-third of the partnership profits and also on the dissolution of the partnership to not less than one-third of the surplus assets of the partnership, and intend (or the said [Partners' full names] and I intend) personally to reside on the land and personally to farm it exclusively for the benefit of the partnership.*)

(*Or, That the Minister of Lands has consented to the transaction.*)

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

Declared at ..... this ..... day of ..... 19.....

.....  
Justice of the Peace.

*Or* Solicitor of the Supreme Court.  
(*Or other person authorised to take and receive statutory declarations.*)

NOTE—Section 2 (1) of the Land Settlement Promotion Act 1952 contains the following definitions:

“Farm land” means land that, in the opinion of the Land Valuation Committee, or, as the case may be, of the Land Valuation Court, is or should be used exclusively or principally for agricultural purposes:

Provided that, where land that is being used exclusively or principally for agricultural purposes could, in the opinion of the Committee or, as the case may be, of the Court, be used with greater advantage to the community generally for non-agricultural purposes, it shall for the purposes of this Act be deemed not to be farm land.

SCHEDULE—*continued*

“Agricultural purposes” has a meaning corresponding to the term “agriculture”, which for the purposes of this definition means the cultivation of the soil for the production of food products and other useful products of the soil, and includes the use of land for horticultural or pastoral purposes, or for the keeping of pigs, bees, or poultry.

## Form 2

## STATUTORY DECLARATION WHERE PURCHASER OR LESSEE IS A COMPANY OR OTHER BODY CORPORATE

In the matter of the Land Settlement Promotion Act 1952, and in the matter of [*Set out nature of transaction*], dated the ..... day of ..... 19 ....., from [*Full name*] as Vendor (*or Lessor*) to [*Full name*] as Purchaser (*or Lessee*) affecting all that parcel of land [*Official description of land*] being all (part) of the land comprised and described in certificate of title, Volume ....., folio ..... (*..... Land Registry*).

I, [*Full name, address, and occupation*], solemnly and sincerely declare:

1. That I am [*State capacity in which declaration is made, e.g., the Secretary, a Director*] of [*Full name of corporate body*], the purchaser (*or lessee*) of the land above described, and the purchaser has entered into the transaction solely on its own behalf as the person beneficially entitled thereunder.

2. That the purchaser (*or lessee*) does not own, lease, hold, or occupy in fee simple or under any tenure of more than one year's duration, either severally, jointly, or in common with any other person, any farm land, as defined in the Land Settlement Promotion Act 1952, outside a city or borough or town district, and has no estate or interest, whether legal or equitable and whether vested or contingent, under any trust or will, in any such farm land.

3. [*In the case of a company*] That there are more than nine members of the company. (*Or, That—*

- (a) No member of the company and no wife or husband of any member of the company owns, leases, holds, or occupies in fee simple or under any tenure of more than one year's duration, either severally, jointly, or in common with any other person, any farm land, as so defined, outside a city or borough or town district, or has any estate or interest, whether legal or equitable and whether vested or contingent, under any trust, will, or intestacy, in any such farm land:

SCHEDULE—*continued*

- (b) No parent of any member of the company under 17 years of age owns, leases, holds, or occupies in fee simple or under any tenure of more than one year's duration, either severally, jointly, or in common with any other person, any farm land, as so defined, outside a city or borough or town district, or has any estate or interest, whether legal or equitable and whether vested or contingent, under any trust, will, or intestacy, in any such farm land:
- (c) All the shares in the company are held by members on their own behalf and as the persons beneficially entitled thereto.)

4. That no company of which the purchaser (*or lessee*) is a member, the members of which are less than 10 in number, owns, leases, holds, or occupies in fee simple or under any tenure of more than one year's duration, either severally, jointly, or in common with any other person, any farm land, as so defined, outside a city or borough or town district, or has any estate or interest, whether legal or equitable and whether vested or contingent, under any trust or will, in any such farm land.

5. That the purchaser (*or lessee*) has not since the passing of the above-mentioned Act (namely, the 16th day of October 1952) transferred, granted, leased, or otherwise disposed of any estate or interest in farm land, as so defined, to any person as a trustee for any person or created any trust in respect of any estate or interest in any such farm land.

6. [*In the case of a transaction entered into after 7 October 1959 and before 31 August 1962*] That I am informed and believe that [*Full name(s)*] who is (*or between them are*) entitled to a majority of the votes at general meetings of the company intend(s) personally to reside on the land and personally to farm it exclusively for the benefit of the company.

(*Or, That I am informed and believe that [Full name(s)], a person(s) appointed by the governing body of the body corporate, intend(s) personally to reside on the land and personally to farm it exclusively for the benefit of the body corporate.*)

(*Or, That the Minister of Lands has consented to the transaction.*)

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

Declared at ..... this ..... day of ..... 19.....

.....  
Justice of the Peace.

*Or Solicitor of the Supreme Court.  
(Or other person authorised to take  
and receive statutory declarations.)*

NOTE—Section 2 (1) of the Land Settlement Promotion Act 1952 contains the following definitions:

“Farm land” means land that, in the opinion of the Land Valuation Committee, or, as the case may be, of the Land Valuation Court, is or should be used exclusively or principally for agricultural purposes:

SCHEDULE—*continued*

Provided that, where land that is being used exclusively or principally for agricultural purposes could, in the opinion of the Committee or, as the case may be, of the Court, be used with greater advantage to the community generally for non-agricultural purposes, it shall for the purposes of this Act be deemed not to be farm land.

“Agricultural purposes” has a meaning corresponding to the term “agriculture”, which for the purposes of this definition means the cultivation of the soil for the production of food products and other useful products of the soil, and includes the use of land for horticultural or pastoral purposes, or for the keeping of pigs, bees, or poultry.

T. J. SHERRARD,  
Clerk of the Executive Council.

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EXPLANATORY NOTE

*This note is not part of the regulations, but is intended to indicate their general effect.*

Regulation 2 prescribes the form of statutory declaration which must be deposited with the District Land Registrar or the Registrar of Deeds in order to enable a transaction to which Part II of the Land Settlement Promotion Act 1952 applies to be registered without first obtaining the consent of the Land Valuation Court.

Regulation 3 provides that, where land to which a transaction relates is situated in several land registration districts or deeds registration districts, the declaration under section 24 of the Land Settlement Promotion Act 1952 need be deposited with the District Land Registrar or Registrar of Deeds of only one of those districts. A certificate by that Registrar that the declaration was duly deposited in due time will be sufficient proof of that fact when the purchaser or lessee presents his documents for registration to the Registrar of any other district in which is situated part of the land to which the transaction relates.

Regulation 4 exempts from the provisions of Part II of the Land Settlement Promotion Act 1952 renewals of leases and of agreements or contracts to lease granted pursuant to a right of renewal contained in the lease or agreement or contract, and these transactions will not require the consent of the Land Valuation Court. The existing exemption in the case of sales or transfers from one joint tenant or tenant in common to another joint tenant or tenant in common is omitted.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 29 October 1959.

These regulations are administered in the Department of Lands and Survey.