

Act No. 38, 1898.

CROWN LANDS.

An Act to regulate the determination of the value of improvements on holdings applied for under the Crown Lands Acts; to provide for the notification of the estimated values of improvements on lands set apart for holdings under such Acts; and to declare the meaning of certain words in section 63 of the Crown Lands Act of 1884. [24th December, 1898.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Value of improvements.

Basis of value of improvements.

1. Whenever it becomes necessary under the Crown Lands Acts that an appraisalment or determination of the value of improvements shall be made after the commencement of this Act (whether the title to the land, or to any interest in the land, containing such improvements commenced before or commences after the commencement of this Act), the value that shall be appraised or determined and shall be payable—
- (a) shall be their value at the date of commencement of title of the incoming tenant; and
 - (b) shall be their value to such tenant; and
 - (c) shall not include any value which may be due to the inherent capabilities of the land; and
 - (d) shall, in no such case, exceed the cost of making the improvements.

Provisional

*Crown Lands.**Provisional valuation and appraisalment of improvements.*

2. Where, before or after the commencement of this Act, Crown lands have been set apart for any class of holding under the Crown Lands Acts, it shall be deemed to have been and to be sufficient for the purposes of the said Acts, if the estimated value of any improvements upon such lands has been notified in the Gazette: Provisional valuation of improvements and appraisalment thereof.

Provided that an appraisalment or determination of the value of such improvements shall be made after the land has become the subject of an application for homestead selection or settlement lease, unless both the owner (other than the Crown) of the improvements and the incoming selector or lessee have agreed to dispense with such appraisalment, and have agreed on the value to be paid, in which case the agreed value of the improvements shall be deemed to be the appraised value within the meaning of subsection (b) of section fifteen or subsection (b) of section twenty-five of the Crown Lands Act of 1895, as the case may be:

Provided that if in any case the value of the improvements as appraised or determined is at least twenty per centum higher than their estimated value as notified in the Gazette, the Land Board may allow the incoming selector or lessee upon application within the prescribed time to withdraw his application, and to obtain a refund of any moneys paid in connection therewith.

Meaning of "fair value."

3. The expression "fair value" in section sixty-three of the Crown Lands Act of 1884, used in connection with applications for the rescission of reservations of water frontage, shall, in regard to any land the value of which shall be determined after the commencement of this Act, be taken to mean the additional value which may reasonably be expected to accrue to the applicant in connection with the land adjoining the land the subject of the reservation (where such applicant is the owner of such adjoining land) by reason of the rescission of the reservation and grant of the land the subject thereof. Meaning of "fair value" in section 63 of Crown Lands Act of 1884.

Short title.

4. This Act may be cited as the "Crown Lands Act, 1898," and shall be read with and as forming part of the Crown Lands Act of 1884, the Crown Lands Act of 1889, the Crown Lands Act of 1895, and any Acts amending the same, the whole of which Acts are referred to in this Act as "the Crown Lands Acts." Short title.