

*This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.*

*House of Representatives,*

*29th September, 1927.*

[AS REPORTED FROM THE LANDS COMMITTEE.]

*Legislative Council, 5th October, 1927.*

*Hon. Mr. McLeod.*

## LAND FOR SETTLEMENTS AMENDMENT.

### ANALYSIS.

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### A BILL INTITLED

AN ACT to amend the Land for Settlements Act, 1925.

Title.

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

5 follows:—

1. This Act may be cited as the Land for Settlements Amendment Act, 1927, and shall be read together with and deemed part of the Land for Settlements Act, 1925 (hereinafter referred to as the principal Act).

Short Title.

10 2. There shall be an officer of the Public Service to be called the Land Purchase Inspector, who, subject to the direction of the Land Purchase Controller, shall have such duties as may from time to time be lawfully conferred on him with respect to the purchase of land by the Crown under the provisions in that behalf of the principal Act.

Land Purchase Inspector.

3. (1) Section four of the principal Act is hereby amended—

15 (a) By omitting from paragraph (d) the word "and":

Altering constitution of Dominion Land Purchase Board.

(b) By omitting paragraph (e), and substituting the following paragraphs:—

“ (e) The Superintendent of the State Advances Office ;  
and

20 “ (f) The Land Purchase Inspector.”

(2) Sections nine and ten of the principal Act are hereby consequentially amended by omitting from each of the said sections the words “of the Dominion Land Purchase Board or.”

Crown lands held under lease or license may be resumed for disposal under principal Act.

4. (1) For any of the purposes specified in section twelve of the principal Act (relating to the acquisition of private land) the Governor-General may, by Proclamation, resume possession of the whole or any portion of any Crown land held under lease or license (whether such land is ordinary Crown land, settlement land, or national-endowment land). 5

(2) A Proclamation shall not be issued under this section save on the written recommendation of the Dominion Land Purchase Board, which, in relation to a proposal to resume possession of any land under this section, shall have the same duties and functions as it has in relation to a proposal to acquire private land under the principal Act. 10

(3) On the date of the publication of any such Proclamation in the *Gazette*, or on such other date as may be specified therein, the lease or license shall be determined in so far as it relates to the land of which possession is so resumed. 15

(4) Upon resumption under this section of part of the land comprised in any lease or license the rent payable by the lessee or licensee under the lease or license shall be reduced by a proportion equal to the proportion which the value of the land so resumed bears to the total value of the land comprised in the lease or license. In the event of any dispute as to such values the matter shall be referred to the Valuer-General, whose decision shall be subject to an appeal to a Board of Appeal consisting of a Stipendiary Magistrate and two assessors, of whom one shall be appointed by the Minister of Lands and one by the lessee or licensee. In any such case the decision of the Board of Appeal shall be final. 20 25

(5) Upon resumption under this section of the whole or any portion of the land comprised in any lease or license the lessee or licensee shall be entitled to be paid compensation for any substantial improvements of a permanent character then in existence on the land which has been so resumed, and also for the value of his interest ~~in the unexpired term of his lease or license~~ so far as it applies to the land so resumed *under the terms of his lease or license including the value of any right of renewal or of election to take a further lease of whole or part reserved by his lease or conferred by statute.* The amount of such compensation shall be fixed by agreement, or, in default of agreement, shall be determined by a Board of Appeal constituted in the manner provided by the *last preceding* subsection. 30 35

(6) All moneys payable by way of compensation under this section shall be paid out of the Land for Settlements Account.

(7) If any land resumed under this section is not already settlement land, it shall become settlement land as from the date of its resumption under this section. 40

(8) In the case of any land to which the *last preceding* subsection relates, such sum as in the opinion of the Minister is equivalent to the capital value of that land shall, if necessary, be paid into the appropriate account out of the Land for Settlements Account. For the purposes of this subsection, the expression "the appropriate account" means the account to which the net proceeds would be payable if the land were sold. 45

Consequential repeal

(9) Section two of the Discharged Soldiers Settlement Amendment Act, 1919, is hereby repealed. 50

Remission of rent or other relief to lessees in cases of hardship.

*Cf.* 1924, No. 31, ss. 124, 125

5 (1) In the event of any lessee of settlement land being unable at any time, by reason of any natural disaster or other sufficient cause, to pay the rent due under his lease, the Minister, on the recommendation of the Land Board, and on being satisfied that it would be reasonable and equitable to afford relief, may remit the rent payable in respect of any period or periods not exceeding five years in the aggregate; or may postpone, until such date or dates as he may determine, the payment of rent in respect of any period or periods not exceeding five years in the aggregate, and may from time to time further postpone payment of the whole or any portion of the said rent to a later date.

10 (2) Interest at such rate as the Minister may determine, being not less in any case than *four* per centum per annum, shall be payable half-yearly on the amount of rent so postponed, and that amount, together with the interest thereon, shall be a charge on the land. Such charge shall have priority over all existing or subsequent mortgages, 15 charges, or other encumbrances, other than those existing at the commencement of this Act.

20 (3) It may be a condition attached to the grant of any relief under subsection *one* hereof that the tenant shall, within such time as the Land Board may require, put on the land comprised in his lease substantial improvements of a permanent character, of a kind to be approved by the Land Board, in addition to any improvements required by the terms of the lease, to a value not exceeding the amount of the rent remitted or postponed.

25 (4) On any application for the transfer of any land charged in accordance with the provisions of subsection *two* hereof the Minister may, if he thinks fit, before approving the transfer, make it a condition that the amount of the charge or any part thereof shall be paid.

30 (5) Rent, the payment of which has been lawfully postponed, shall not be deemed to be rent in arrear within the meaning of section fifty-nine of the principal Act so long as the interest payable in respect of the rent so postponed is duly paid.

35 (6) Any amount for the time being outstanding in respect of rent postponed pursuant to this section or other lawful authority may, on the application of the tenant, with the approval of the Land Board and the consent of the Minister, be added to the capital value of the land, and the rent payable under the lease shall thereupon be increased accordingly as from a date to be determined by the Land Board.

40 (7) On any revaluation under section two hundred and sixteen of the Land Act, 1924, and notwithstanding anything in that section, the amount added to the capital value of any land under this section shall, for the purpose of determining the rent to be paid by any lessee, be added to the capital value as determined pursuant to the said section.

45 (8) Section sixty of the principal Act is hereby consequentially repealed.

Consequential repeal.

50 6. (1) The provisions of the *last preceding* section shall apply so as to enable relief to be granted to persons in occupation of settlement land under a license to occupy pending the completion of the purchase thereof on the deferred-payment system, as if the licensees in such cases were lessees of settlement land and as if the interest payable in respect of any unpaid purchase-money were rent.

Provisions for relief in cases of hardship of purchasers of settlement land on a system of deferred payments.

*Cf.* 1926, No. 49, s. 17

(2) Where pursuant to the *last preceding* section, as applied by this section, any interest, the payment of which has been postponed, has been added to the capital value, the amount of the periodical instalments of principal and interest to be thereafter made shall be adjusted accordingly.

Special provisions  
as to renewable  
leases of settlement  
land not immediately  
productive.  
Cf. 1924, No. 31,  
s. 214

7. (1) In order to facilitate the settlement of any land which is subject to the provisions of the principal Act, and which in the opinion of the Land Board is not likely to be immediately productive or profitable, any such land may, with the consent of the Minister, be opened for selection by way of renewable lease on the special conditions contained in this section. 5 10

(2) A renewable lease of any such land shall contain a provision that no rent shall be payable thereunder during such period as the Land Board, with the consent of the Minister, determines, not exceeding ten years after the commencement of the first term of thirty-three years. 15

Verbal amendment  
of section 12 of the  
Land Laws Amend-  
ment Act, 1926.

8. Section twelve of the Land Laws Amendment Act, 1926, is hereby amended as from the passing of that Act by excepting from the repeal thereby effected the words "If the lessee elects to purchase upon deferred payments."