

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,
6th November, 1931.*

Hon. Mr. Ransom.

LAND LAWS AMENDMENT.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Authority for appointment of advisory committees to assist Boards in consideration of applications for relief by way of remission or postponement of rent or interest.</p> <p>3. Temporary provision for extension of leases of small grazing-runs. Repeal.</p> <p>4. Temporary provision for extension of licenses of land selected for occupation with right of purchase. Repeals.</p> <p>5. Amending provisions as to minimum deposit to be paid by owner of lease in perpetuity on election to acquire fee-simple on deferred payments.</p> <p>6. Modification of provisions of section 8 of Land Laws Amendment Act, 1926, in their application to future exchanges thereunder.</p> | <p>7. Advances may be made under section 7 or section 14 of Land Laws Amendment Act, 1929, in respect of improvements already effected.</p> <p>8. Amending provisions for revaluation of lands held under license pending completion of purchase on deferred payments.</p> <p>9. Provision for relief of tenants under recently renewed leases of Crown lands or other lands administered by a Land Board.</p> <p>10. Title to river-bank and other reserves not affected by adverse possession.</p> <p>11. Miscellaneous amendments of Land Acts designed to effect economies in administration.</p> <p>Schedule.</p> |
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A BILL INTITULED

AN ACT to amend the Law relating to Crown and other Lands. Title.

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

1. (1) This Act may be cited as the Land Laws Amendment Act, 1931. Short Title.

(2) In this Act the expression "the principal Act" means the Land Act, 1924.

10 2. (1) For the purpose of facilitating the consideration of applications for relief by way of the remission or postponement of rent or of interest, made pursuant to the principal Act or any other authority, by Crown tenants or tenants of other lands administered by a Land Board the Minister may from time to time appoint such number of advisory committees as he thinks necessary. Authority for appointment of advisory committees to assist Boards in consideration of applications for relief by way of remission or postponement of rent or interest.

15 (2) Every such committee shall consist of a Commissioner of Crown Lands, or such officer of the Department as the Minister may from time to time appoint for the purpose of this section, and of not more than 20 Minister.

(3) It shall be the duty of an advisory committee appointed under this section, as and whenever required by the Board so to do, to inquire in such manner as it thinks fit into the financial position of any applicant for relief as aforesaid and to report thereon to the Board with such 25 recommendations, if any, as it thinks proper.

(4) Every applicant for relief shall submit to the Board or to the advisory committee with reasonable particularity such information with respect to his financial position and the working of his holding as may be demanded.

(5) Every member of an advisory committee appointed hereunder, not being a person permanently employed in the service of the Crown, shall be paid such allowances as may be approved from time to time by the Minister, and shall also be paid all travelling-expenses reasonably incurred by him with the authority of the Board in connection with the duties of the committee.

Temporary provision for extension of leases of small grazing-runs.

3. (1) Notwithstanding anything to the contrary in the principal Act or in any former Land Act, the Board may, with the approval of the Minister, extend for a period not exceeding *five* years the term of any lease of a small grazing-run of Crown land or of settlement land the term of which is due to expire at any time not later than the first day of March, nineteen hundred and thirty-four.

(2) On receipt of a certificate under the hand of the Commissioner setting forth particulars of any extension of a lease granted pursuant to this section the District Land Registrar shall endorse on the lease a memorial of such certificate.

Repeal.

(3) Section two hundred and forty-eight of the principal Act is hereby repealed.

Temporary provision for extension of licenses of land selected for occupation with right of purchase.

4. (1) Notwithstanding anything to the contrary in section one hundred and ninety-two of the principal Act, the Board may, with the approval of the Minister, extend for a period not exceeding *seven* years, the term of any license granted under section one hundred and fifty-two of the Land Act, 1892, or under section one hundred and seventy-one of the Land Act, 1908, the term of which is due to expire at any time not later than the thirty-first day of December, nineteen hundred and thirty-three.

(2) Where any license granted as aforesaid has expired before the passing of this Act, but the licensee has continued in possession of the land comprised therein, the term of the original license may be extended under the *last preceding* subsection as if it had not expired.

(3) On receipt of a certificate under the hand of the Commissioner setting forth particulars of any extension of a license granted pursuant to this section the District Land Registrar shall endorse on the license a memorial of such certificate.

Repeals.

(4) Section two of the Land Laws Amendment Act, 1925, and section sixteen of the Land Laws Amendment Act, 1927, are hereby repealed.

Amending provisions as to minimum deposit to be paid by owner of lease in perpetuity on election to acquire fee-simple on deferred payments. Modification of provisions of section 8 of Land Laws Amendment Act, 1926, in their application to future exchanges thereunder.

5. Section six of the Land Laws Amendment Act, 1926, is hereby amended by omitting from paragraph (a) of subsection one the words "being not less than three per centum of the price".

6. Subsections two and three of section eight of the Land Laws Amendment Act, 1926, shall have no application with respect to licenses issued under that section after the passing of this Act, and, in lieu of those provisions the following provisions shall apply with respect to such licenses, namely:—

(a) The term of every such license shall be computed from the first day of January or the first day of July, as the case may be, next after the date of the surrender of the original license:

(b) The purchase-money payable under the new license shall be the balance of the purchase-money under the surrendered license outstanding at the date of surrender :

5 Provided that any amount outstanding in respect of interest at the date of the commencement of the term of the new license may, with the approval of the Board and the consent of the Minister, be added to and form part of the purchase-money under the new license.

10 7. (1) If the Development Board constituted under Part I of the Land Laws Amendment Act, 1929, is satisfied that an applicant for financial assistance under section seven or section fourteen of that Act, in anticipation of the grant of such assistance, has carried out any work or has purchased any thing of a class or kind in respect of which an advance may be made under the authority of the said sections, it may
15 authorize the making of an advance for the purpose of discharging any debts or other obligations incurred by the applicant in carrying out such works or in the purchase of any such things.

Advances may be made under section 7 or section 14 of Land Laws Amendment Act, 1929, in respect of improvements already effected.

(2) The authority conferred by this section shall extend to cases within the provisions of section twenty of the Land Laws Amendment
20 Act, 1930 (authorizing advances to lessees of education reserves). The said section twenty is hereby amended by omitting from subsection one all words after the words " undeveloped education reserves ".

8. Section twelve of the Land Laws Amendment Act, 1927, is hereby amended by repealing paragraphs (a), (b), and (c) of subsection
25 two, and substituting the following paragraphs :—

Amending provisions for revaluation of lands held under license pending completion of purchase on deferred payments.

30 " (a) Where the value of the land, exclusive of the value of improvements, as determined under the said section, is less than the amount outstanding in respect of purchase-money at the date of the revaluation, the price shall, if the purchaser so requires, be reduced to the amount of such value as from the first day of January or the first day of July, as the case may be, next following the date of the revaluation, and in such case the Land Board may accept a
35 surrender of the existing license and issue in lieu thereof a new license to occupy pending completion of the purchase on deferred payments, subject to the provisions, with such modifications as may be necessary, of section six of the Land Laws Amendment Act, 1926.

40 " (b) Where a new license is issued in accordance with the provisions of the last preceding paragraph, no adjustment shall be made on account of interest or purchase-money paid or payable before the date of the new license."

9. (1) This section applies only to leases or licenses of Crown land or of settlement land or of other land administered by a Land Board
45 granted in renewal of leases or licenses which expired not earlier than the first day of January, nineteen hundred and twenty-seven, and before the passing of this Act.

Provision for relief of tenants under recently renewed leases of Crown lands or other lands administered by a Land Board.

50 (2) On application for relief by any lessee or licensee under any lease or license to which this section applies, on the ground that owing to a decrease in the price of stock or produce or to general financial stringency payment by the lessee or licensee of the rent reserved by the renewed lease or license has been or would be a cause

of undue hardship, the Minister, on the recommendation of the Board, and on being satisfied that it would be reasonable and equitable to afford relief, may remit portion of the rent reserved by the renewed lease or license for such period, not exceeding *five* years, as he thinks fit :

Provided that the rent remitted hereunder shall not exceed in respect of any year the difference between the annual rent reserved by the original lease or license and the annual rent reserved by the renewed lease or license. 5

(3) In any case to which this section applies the rent shall be uniformly reduced for the period of remission, as from the commencement of that period, and all rent paid in respect of that period in excess of the rent as so reduced shall be applied in satisfaction to the extent thereof of the rent becoming due and payable after the date when the remission is made. 10

Title to river-bank and other reserves not affected by adverse possession.

10. Notwithstanding any statute of limitation, no title to any land that has been in any manner reserved as a road, or street, or for any other purpose, or that has been reserved from sale or other disposition in accordance with the provisions of section one hundred and twenty-nine of the principal Act or the corresponding provisions of any former Land Act, and no right, privilege, or easement in, upon, or over any such land shall be acquired, or be deemed at any time heretofore to have been acquired, by possession or user adversely to or in derogation of the title of His Majesty, or of any local authority, public body, or person in whom such land has been at any time vested in trust for the purposes for which it has been reserved as aforesaid. 20 25

Miscellaneous amendments of Land Acts designed to effect economies in administration.

11. (1) The principal Act is hereby amended in manner indicated in the Schedule hereto.

(2) Section ten of the Land Laws Amendment Act, 1927, is hereby amended as follows :—

(a) By omitting from subsection one the words “ by Proclamation ” : 30

(b) By repealing subsection two thereof.

(3) If in the principal Act or any other Land Act the Governor-General is empowered to set apart any land for any purpose, or to make any declaration or determination with respect to any land, and no provision is made prescribing the method by which such setting-apart, declaration, or determination shall be effected, the Governor-General may exercise the powers conferred on him as aforesaid by Proclamation, or Warrant, or by such other writing under his hand as in the circumstances of the case he considers appropriate. 35

SCHEDULE.

Schedule.

MISCELLANEOUS AMENDMENTS OF LAND ACT, 1924.

No. of Section affected.	Nature of Amendment.
Section 77 ..	By omitting from paragraph (b) the words "in the <i>Gazette</i> and".
Section 127 ..	By omitting from subsection (3) the words "by notice in the <i>Gazette</i> ".
Section 132 ..	By omitting the words "by Warrant under his hand".
Section 153 ..	By omitting from subsection (1) the words "by Proclamation, declare", and substituting the word "determine".
Section 154 ..	By repealing subsection (1), and substituting the following subsection:— “(1) The Governor-General may from time to time determine that any Crown lands within a mining district may be disposed of in manner provided by the last preceding section.”
Section 176 ..	By repealing subsection (2). By omitting from subsection (1) the words "by notification in the <i>Gazette</i> , declare", and substituting the word "determine". By repealing subsection (2), and substituting the following subsection:— “(2) Public notification shall be given of every determination under this section.”
Section 177 ..	By omitting from subsection (3) the words "notification in the <i>Gazette</i> and in some newspaper circulating in the district", and substituting the words "public notification".
Section 217 ..	By omitting from subsection (1) the words "by Proclamation"; by omitting from the same subsection the words "Every such Proclamation", and substituting the words "Every declaration made for the purposes of this section".
Section 220 ..	By omitting from subsection (1) the words "by Proclamation".
Section 223 ..	By omitting from subsection (2) the words "in Council". By omitting from subsection (1) the words "by Proclamation"; and also the words "Any such Proclamation may be at any time in like manner revoked, either wholly or in part".
Section 225 ..	By omitting from subsection (2) the words "by Proclamation".
Section 249 ..	By omitting from subsection (1) the words "in Council".
Section 265 ..	By omitting from subsection (3) the words "published in the <i>Gazette</i> a notice to the occupier of such run", and substituting the words "served on the occupier of such run a notice"; by omitting from the same subsection the words "such publication", and substituting the words "the service of such notice". By adding to the subsection the following words: "Any such notice as aforesaid may be sent by post to the occupier at his last-known address in New Zealand, and in such case shall be deemed to have been duly received by him on the day on which it would be delivered at that address in the ordinary course of post."
Section 326 ..	By omitting from subsection (1) the words "in the <i>Gazette</i> ".
Section 332 ..	By omitting from subsection (5) the words "in the <i>Gazette</i> ".