

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,

14th December, 1944

Hon. Mr. Skinner

LAND LAWS AMENDMENT

ANALYSIS

<p>Title.</p> <p>1. Short Title.</p> <p style="text-align: center;">PART I</p> <p style="text-align: center;">LAND</p> <p>2. This Part to be read with Land Act, 1924.</p> <p>3. Extending term of office of members of Land Boards.</p> <p>4. Discharged servicemen to have preference at ballots.</p> <p>5. Leases may be granted to discharged servicemen without competition.</p> <p>6. Offering lands for sale or lease at a fixed price or rental.</p> <p style="text-align: center;">PART II</p> <p style="text-align: center;">PUBLIC RESERVES, DOMAINS, AND NATIONAL PARKS</p> <p>7. This part to be read with Public Reserves, Domains, and National Parks Act, 1928.</p>	<p>8. Leasing of reserves by public application and ballot.</p> <p>9. Acquisition of land for national park.</p> <p style="text-align: center;">PART III</p> <p style="text-align: center;">SERVICEMEN'S SETTLEMENT AND LAND SALES</p> <p>10. This Part to be read with Servicemen's Settlement and Land Sales Act, 1943.</p> <p>11. Reducing time for appeals in certain cases.</p> <p>12. Appeals by the Crown.</p> <p>13. Taking of evidence before a Magistrate in appeals under Part III of principal Act.</p> <p>14. Offences.</p> <p style="text-align: center;">PART IV</p> <p style="text-align: center;">SMALL FARMS</p> <p>15. This Part to be read with Small Farms Act, 1932-33.</p> <p>16. Land may be disposed of to discharged servicemen on agreement for sale and purchase.</p>
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A BILL INTITULED

AN ACT to amend the Laws relating to Crown and other Lands, including the Public Reserves, Domains, and National Parks Act, 1928, and the Servicemen's Settlement and Land Sales Act, 1943.

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

Short Title.

1. This Act may be cited as the Land Laws Amendment Act, 1944.

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PART I

LAND

This Part to be read with Land Act, 1924.

2. This Part of this Act shall be read together with and deemed part of the Land Act, 1924 (in this Part referred to as the principal Act).

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See Reprint of Statutes, Vol. IV, p. 622

Extending term of office of members of Land Boards.

3. (1) Section forty-nine of the principal Act is hereby amended by omitting from subsection one the words "two years", and substituting the words "three years".

(2) Every member of a Land Board holding office on the passing of this Act shall be deemed to have been appointed or elected, as the case may be, for a term of three years, and shall continue in office accordingly.

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Discharged servicemen to have preference at ballots. 1941, No. 25

4. Notwithstanding anything contained in section one hundred and thirteen of the principal Act, at every ballot under that Act applicants who are discharged servicemen within the meaning of Part I of the Rehabilitation Act, 1941, shall have preference over all other classes of applicants.

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Leases may be granted to discharged servicemen without competition.

1941, No. 25

5. Notwithstanding anything contained in the principal Act or in any other enactment, a lease or license of any land administered by a Land Board may, with the approval of the Minister, be granted by the Board without competition to a discharged serviceman within the meaning of Part I of the Rehabilitation Act, 1941.

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Offering lands for sale or lease at a fixed price or rental.

See Reprint of Statutes, Vol. IV, pp. 862, 1003, 855, 950

6. Where under the provisions of the principal Act, the Land for Settlements Act, 1925, the Education Reserves Act, 1928, the Hanmer Crown Leases Act, 1928, the Hutt Valley Lands Settlement Act, 1925, or of any other Act, any land administered by a Land Board may be offered for sale or lease by auction or tender, it may under the same provisions be offered by public

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application for sale or lease at a fixed price or rental to be determined by the Board, and all the provisions of any such Act shall, so far as applicable and with the necessary modifications, apply accordingly.

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PART II

PUBLIC RESERVES, DOMAINS, AND NATIONAL PARKS

7. This Part of this Act shall be read together with and deemed part of the Public Reserves, Domains, and National Parks Act, 1928 (in this Part referred to as the principal Act).

This Part to be read with Public Reserves, Domains, and National Parks Act, 1928. See Reprint of Statutes, Vol. VI, p. 1134

8. Section fourteen of the principal Act is hereby amended by omitting from subsection one the word "either" before the words "by public auction or by public tender", and substituting the words "by public application and ballot or".

Leasing of reserves by public application and ballot.

9. (1) This section shall be deemed to form part of Part III of the principal Act.

Acquisition of land for national park.

(2) The Governor-General, in the name and on behalf of His Majesty, may treat and agree for the purchase or lease of any land that he deems necessary for the purposes of a national park, or for the improvement or extension of any existing national park, and for any such purposes may enter into any contract that he thinks fit.

(3) All lands acquired by way of purchase as aforesaid shall vest in His Majesty for the purposes of Part III of the principal Act as a national park or as part of an existing national park, as the case may require, and all lands acquired by the Governor-General by way of lease under this section shall during the term of the lease be subject to Part III of the principal Act.

(4) Any local authority may from time to time out of its general fund or account contribute such sums as it thinks fit towards the cost of acquisition by the Crown of any land for national park purposes.

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PART III

SERVICEMEN'S SETTLEMENT AND LAND SALES

This Part to be read with Servicemen's Settlement and Land Sales Act, 1943.

1943, No. 16

Reducing time for appeals in certain cases.

Appeals by the Crown.

Taking of evidence before a Magistrate in appeals under Part III of principal Act.

10. This Part of this Act shall be read together with and deemed part of the Servicemen's Settlement and Land Sales Act, 1943 (in this Part referred to as the principal Act). 5

11. (1) Section twenty-one of the principal Act is hereby amended by omitting from subsection one the words "fourteen days", and substituting the words "the prescribed time". 10

(2) The said section twenty-one is hereby further amended by inserting, after subsection one, the following subsection:—

"(1A) The prescribed time for the purposes of subsection one of this section shall be— 15

"(a) Seven days in the case of an order under Part III of this Act granting unconditionally an application for consent to any transaction; and

"(b) Fourteen days in any other case." 20

12. Section twenty-one of the principal Act is hereby amended by inserting in subsection one, before the words "any person affected by the order", the words "His Majesty (acting by the Minister or by a Crown representative appointed under section sixty of this Act) or". 25

13. (1) This section applies with respect to every appeal lodged under section twenty-one of the principal Act from an order made by a Land Sales Committee under Part III of the principal Act. 30

(2) The Court may in its discretion, of its own motion or on the application of any party, make an order directing that the evidence in any appeal to which this section applies be taken before a Magistrate exercising jurisdiction at the Magistrate's Court nearest to the office of the Land Sales Court in which the notice of motion on appeal was filed. 35

(3) A copy of any order made under this section shall be transmitted by the Registrar to the Deputy-Registrar at the office of the Land Sales Court in which the notice of motion on appeal was filed. 40

(4) The Deputy-Registrar shall thereupon arrange for the Magistrate to fix a time and place for the taking of the evidence, and shall give notice of the time and place so fixed to all persons who were entitled to appear
5 at the hearing of the application on which the order appealed from was made.

(5) Except as may be otherwise provided by regulations under the principal Act, summonses to witnesses may issue, and the procedure on the taking
10 of the evidence shall be the same in all respects, as if the evidence were being taken before a Land Sales Committee.

(6) The evidence given before the Magistrate shall be reduced to writing and signed by the Magistrate
15 and by the persons giving the evidence respectively. That writing and all documents, papers, writings, and things admitted in evidence or copies thereof respectively shall be forwarded to the Registrar by the Deputy-Registrar.

(7) All evidence given before the Magistrate shall be deemed to have been given before the Land Sales Court, and the Appeal shall be determined accordingly:

Provided that the Court may hear such further evidence as it thinks fit.

25 **14.** (1) Section sixty-eight of the principal Act is hereby amended by adding to subsection one the following paragraphs:— Offences.

30 “(c) Whether as principal or agent and whether by himself or his agent, enters into, or offers to enter into, or procures or induces or attempts to procure or induce any other person to enter into, any transaction or arrangement that is or is intended to be inconsistent with any application or order made or to be made under Part III of this Act:

35 “(d) Whether as principal or agent and whether by himself or his agent, and whether as vendor, purchaser, lessor, lessee, or other party, or otherwise howsoever, is party to
40 any device, plan, or scheme for any trans-

action or arrangement that is or is intended to be in contravention of Part III of this Act or inconsistent with any application or order made or to be made under Part III of this Act:

“(e) In relation to any transaction that has been consented to by the Court under Part III of this Act, and whether as principal or agent and whether by himself or his agent, offers, gives, pays, or transfers to or for or with the concurrence of any other person any consideration that is not included in the consideration consented to by the Court for that transaction, or asks for or procures or endeavours to procure any such consideration, or enters into, or procures or induces or endeavours to procure or induce any other person to enter into, any agreement or arrangement for any such consideration: 5
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“(f) In relation to any transaction for consent to which an application is pending under Part III of this Act, and whether as principal or agent and whether by himself or his agent, offers, gives, pays, or transfers to or for or with the concurrence of any other person any consideration that has not been disclosed in the application for consent, or asks for or procures or endeavours to procure any such consideration, or enters into, or procures or induces or endeavours to procure or induce any other person to enter into, any agreement or arrangement for any such consideration.” 20
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(2) Section sixty-eight of the principal Act is hereby further amended by inserting, after subsection one, the following new subsection:— 35

“(1A) For the purposes of this section the term ‘consideration’, in relation to any transaction, means any valuable consideration whatsoever, whether direct or indirect, which in effect relates to the transaction, whether or not it ostensibly relates to any other matter or thing.” 40

PART IV
SMALL FARMS

15 This Part of this Act shall be read together with
and deemed part of the Small Farms Act, 1932-33 (in
5 this Part referred to as the principal Act).

This Part to
be read with
Small Farms
Act, 1932-33.
1932-33, No. 43

16. (1) Without limiting any other powers of dis-
posal, it is hereby declared that any Crown land subject
to the principal Act may be disposed of by way of
agreement for sale and purchase under this section.

Land may be
disposed of to
discharged
servicemen on
agreement for
sale and
purchase.

10 (2) The following class of persons, and no others,
shall be qualified to receive agreements under this
section—namely, discharged servicemen who, in the
opinion of the Board, are suitable for engagement in
rural occupations.

15 (3) Every agreement for sale and purchase under
this section shall be granted at such price and upon
such terms and conditions as the Board thinks fit, but
so that—

20 (a) The price for the land with interest thereon
shall be payable by instalments at regular
intervals, each of the instalments consisting
partly of principal and partly of interest:

25 (b) A separate current account shall be kept of all
principal and interest owing by the purchaser
to the Crown in respect of stock, implements,
and other chattels as distinct from the price
for the land, but the moneys in the current
account shall be collaterally secured on the
land:

30 (c) Except with the consent of the Minister, acting
on the recommendation of the Board, the
purchaser shall not be entitled to a title to
the land until the price for the land and all
interest thereon and all moneys in the current
35 account have been paid or satisfied.

(4) The interest to be paid in accordance with the
provisions of paragraphs (a) and (b) of the *last*
preceding subsection shall be at such rates respectively
as may from time to time be determined by the
40 Minister of Finance.

1939, No. 21

(5) The Board may at any time during the currency of any agreement for sale and purchase made under this section arrange with the purchaser for the cancellation of the agreement and the substitution therefor of a new agreement for sale and purchase in accordance with this section or of a renewable lease under section five of the Small Farms Amendment Act, 1939. For the purposes of this subsection any instruments or documents in force between the parties may be cancelled and new ones may be substituted therefor. 5 10

(6) Except with the prior consent of the Minister, acting on the recommendation of the Board, the person to whom any land is disposed of under this section, or any person claiming through or under any such person shall not be capable at any time after the issue of a certificate of title to the land of alienating, mortgaging, charging, or leasing the land or any part thereof, or of creating (otherwise than by will) any right, title, estate, or interest (whether legal or equitable) in the land or any part thereof. Every certificate of title issued under this section shall have written thereon a memorial that it is issued subject to the restrictions imposed by this subsection. 15 20

(7) Any agreement, deed, memorandum of satisfaction, or other instrument required to be executed by or on behalf of His Majesty for the purposes of this section may be signed by the Commissioner of Crown Lands and shall be as valid and effectual if so signed as if executed by or on behalf of His Majesty. 25