

[AS REPORTED FROM THE STATUTES REVISION COMMITTEE]
House of Representatives, 3rd November, 1948.

[AS A SECOND TIME REPORTED FROM THE STATUTES
REVISION COMMITTEE]
House of Representatives, 12th November, 1948

[Further amendments shown with double bar in margin.]

Hon. Mr. Skinner

LAND VALUATION COURT

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A BILL INTITULED

Title.	AN ACT to Provide for the Constitution of a Land Valuation Court, and to Define the Jurisdiction, Powers, and Procedure of the Court; and for Matters Incidental Thereto. 5
	BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—
Short Title and commencement.	1. This Act may be cited as the Land Valuation Court Act, 1948, and shall come into force on the first day of January, nineteen hundred and forty-nine. 10
Interpretation.	2. In this Act, unless the context otherwise requires,—
	“ Court ” means the Land Valuation Court constituted under this Act: 15
	“ Land Valuation Committee ” means a Land Valuation Committee appointed under this Act; and “ the Land Valuation Committee ” or “ the Committee ”, when used in relation to any land, claim, objection, application, or other matter, means the particular Land Valuation Committee to which any claim, objection, application, or other matter arising under this Act and relating to that land, claim, objection, application, or other matter has been referred: 25

“ Registrar ” means a Registrar of the Land Valuation Court; and includes a Deputy Registrar of that Court.

PART I

5 THE LAND VALUATION COURT AND LAND VALUATION COMMITTEES

The Land Valuation Court

3. There is hereby established a Court of record, to be called the Land Valuation Court, which, in addition to the jurisdiction and powers specially conferred on it by this Act, shall have all the powers inherent in a Court of record.

Land Valuation Court.

~~4. Subject to the provisions of section fourteen of this Act,~~ The Court shall consist of three members, who shall be appointed by the Governor-General in Council. Of the three members of the Court, one shall be the Judge of the Court and shall be so appointed, and the other two members shall be appointed as hereinafter provided.

Constitution of Court.

20 *Struck out*

5. (1) No person shall be eligible for appointment as the Judge of the Court unless he is eligible for appointment as a Judge of the Supreme Court.

Appointment of Judge of Court.

25 (2) The Judge so appointed shall, as to tenure of office, salary, emoluments, and allowances (including superannuation allowance), have the same rights and be subject to the same provisions as a Judge of the Supreme Court.

30 (3) This Act shall be deemed to be a permanent appropriation of the salary of the Judge of the Court.

New

35 (1A) Subject to the provisions of subsection four of this section, no person other than a barrister or solicitor of not less than seven years' standing of the Supreme Court shall be appointed the Judge of the Land Valuation Court.

(2A) The commission of the Judge of the Court shall continue in full force during good behaviour, notwithstanding the demise of His Majesty.

New

(3A) It shall be lawful for His Majesty, upon the address of both Houses of the General Assembly, to remove the Judge from his office and to revoke his commission, and for the Governor-General in Council to suspend the Judge upon a like address. 5

(3B) It shall be lawful for the Governor-General in Council, at any time when Parliament is not in session, to suspend the Judge from his office, and that suspension, unless previously revoked, shall continue in force until the end of the next ensuing session and no longer. 10

(3C) The Judge of the Court shall retire from office on attaining the age of seventy-two years; and on such retirement shall, if he has held office for any term as mentioned in the *next succeeding* section, be entitled to the appropriate superannuation allowance provided in that section. 15

(4) Notwithstanding anything in the foregoing provisions of this section, the Governor-General may appoint a Judge of the Supreme Court to be the Judge of the Land Valuation Court, and in that case the Judge so appointed shall hold both offices concurrently. 20

(5) If and so long as a Judge of the Supreme Court holds office as the Judge of the Land Valuation Court he shall be deemed to be absent from his office as a Judge of the Supreme Court, and a Judge may be appointed in his stead, pursuant to section eleven of the Judicature Act, 1908, to hold office during the pleasure of the Governor-General: 25

Provided that nothing herein shall be construed to deprive the Judge of the Land Valuation Court, in any such case, of power to exercise any jurisdiction as a Judge of the Supreme Court. 30

(6) The person who immediately before the commencement of this Act held office as the Judge of the Land Sales Court constituted under the Servicemen's Settlement and Land Sales Act, 1943, shall, without further appointment, be deemed as from the commencement of this Act to have been appointed to be the Judge of the Land Valuation Court under this section. 35 40

See Reprint
of Statutes,
Vol. II, p. 63

1943, No. 16

New

5A. (1) There shall be payable to the Judge of the Court out of the Consolidated Fund, without further appropriation than this section, the annual salary of two thousand two hundred and fifty pounds, together with such travelling-allowances as shall be fixed from time to time by the Governor-General in Council.

Salary,
allowances, and
superannuation
of Judge of
Court.

(2) The salary of the Judge shall not be diminished during the continuance of his commission.

(3) Every Judge of the Court holding office during good behaviour who resigns his office after having attained the age of sixty years, or who in the opinion of the Governor-General in Council becomes incapable of performing the duties of his office by reason of any permanent infirmity, shall be entitled to a superannuation allowance in proportion to the amount of his annual salary at the time of resigning or becoming incapable after the following rate, that is to say:—

After he has held office for not less than ten years, to an annual allowance of six twenty-fourths of that salary increased by one twenty-fourth of that salary for each complete year (if any) during which he has held office in excess of ten years, but not exceeding in any case an allowance of sixteen twenty-fourths of that salary.

(4) Every Judge of the Court holding office during good behaviour who has held office for a period of less than ten years but not less than five years, and who retires on attaining the age of seventy-two years or satisfies the Governor-General in Council that he has become incapable of performing the duties of his office by reason of any permanent infirmity, and thereupon resigns his office, shall be entitled to a superannuation allowance in proportion to the amount of his annual salary at the time of resigning, computed at the rate of three twenty-fourths of that salary increased by one twenty-fourth of that salary for each complete year (if any) during which he has held office in excess of five years, but not exceeding in any case an allowance of six twenty-fourths of that salary.

(5) The said superannuation allowances shall be paid monthly out of the Consolidated Fund without further appropriation than this section during the natural lives of the several persons entitled thereto.

Struck out

Appointment of
other members.

6. (1) The members of the Court other than the Judge shall be appointed to hold office for such term as the Governor-General in Council in each case thinks fit.

New

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(1A) Subject to the provisions of subsection *three* of this section, the members of the Court, other than the Judge, shall be appointed to hold office for five years, and shall be eligible for reappointment.

(1B) The Governor-General may, if he thinks fit, remove any member of the Court, other than the Judge, for inability or misconduct. 10

(1c) Every member of the Court other than the Judge shall retire from office on attaining the age of seventy-two years. 15

(2) The remuneration and travelling-allowances of those members shall be fixed from time to time by the Governor-General in Council, and shall be paid out of moneys to be appropriated by Parliament for the purpose. 20

1943, No. 16

(3) The persons other than the Judge who immediately before the commencement of this Act held office as members of the Land Sales Court constituted under the Servicemen's Settlement and Land Sales Act, 1943, shall, without further appointment, be deemed to have been appointed members of the Land Valuation Court under this section, *and each of them shall hold office for the unexpired portion at the commencement of this Act of the term for which he was appointed to be a member of the Land Sales Court*". 25 30

Judge of Court
to take judicial
oath.

7. The Judge of the Court (not being a Judge of the Supreme Court or the person deemed to have been appointed Judge of the Court under subsection *six* of section *five* of this Act), as soon as may be after his acceptance of office, shall take and subscribe the Oath of Allegiance and the Judicial Oath, in accordance with section seven of the Promissory Oaths Act, 1908. 35
~~as if he had been appointed a Judge of the Supreme Court.~~

See Reprint
of Statutes,
Vol. I, p. 1017

8. Before entering upon the exercise of the duties of their office, the members of the Court other than the Judge shall take and subscribe an oath before the Judge that they will faithfully and impartially perform the duties of their office.

Oath to be taken by other members.

9. (1) There shall from time to time be appointed such Registrars and Deputy Registrars of the Court as may be required.

Registrars and other officers of the Court.

(2) There may also from time to time be appointed such clerks and other officers of the Court as may be necessary.

(3) The office of Registrar or Deputy Registrar or any other office may be held either separately or in conjunction with any other office in the Public Service.

10. (1) The Governor-General may from time to time, by Order in Council, make rules for regulating the practice and procedure of the Court in all matters within its jurisdiction, and prescribing the fees payable in respect of any matters relating to the proceedings of the Court.

Rules of Court.

(2) Subject to the provisions of this Act and of any rules made under the authority of this section, the practice and procedure of the Court shall be determined by the Court as it thinks proper.

11. (1) The Court may receive as evidence any statement, document, information, or matter that in the opinion of the Court may assist it to deal effectually with the matters before it, whether or not the same would be otherwise admissible in a Court of law.

Evidence in proceedings before Court.

(2) Subject to the foregoing provisions of this section, the Evidence Act, 1908, shall apply to the Court and to the members thereof, and to all proceedings therein, in the same manner as if the Court were a Court within the meaning of that Act.

See Reprint of Statutes, Vol. III, p. 106

12. (1) The presence of the Judge and of at least one other member shall be necessary to constitute a sitting of the Court.

Quorum of Court.

(2) The decision of a majority (including the Judge) of the members present at a sitting of the Court shall be the decision of the Court. If the members present are equally divided in opinion, the decision of the Judge shall be the decision of the Court.

New

(3) If the Judge is unable to agree with the decision of the other two members of the Court on any question before the Court, that question shall be referred to the Supreme Court for decision in accordance with the practice and procedure of that Court, which for that purpose shall have all the powers of the Land Valuation Court under this Act. The decision of the Supreme Court in any proceedings under this subsection shall be final and shall take effect and may be enforced as if it were a decision of the Land Valuation Court.

Procedure
where Judge or
member unable
to act.

13. (1) Where any member of the Court becomes for any cause incapable of acting, or where any member is interested in any claim, objection, application, or other proceeding pending before the Court, or in any case where any member deems it not proper or desirable that he should adjudicate on any proceeding pending before the Court, the Governor-General in Council may appoint a suitable person to be the Deputy Judge or a deputy member of the Court, as the case may require. The person so appointed shall, subject to the conditions or limitations and for the period specified in his appointment, have all the powers, duties, and functions of the member whose deputy he is.

(2) The fact that any person is acting as the deputy of any member of the Court shall be conclusive evidence of his authority so to do, and no person shall be concerned to inquire whether the occasion for his appointment had arisen or ceased.

(3) No person shall be appointed a Deputy Judge of the Court under this section unless he is eligible for appointment as the Judge of the Court.

(4) No member of the Court shall be deemed to be interested in any proceeding solely on account of his liability to pay rates on which any compensation awarded may become a charge, or, unless he is the objector, solely on account of the fact that his name appears on the district valuation roll in respect of which any objection is made under the Valuation of Land Act, 1925.

See Reprint
of Statutes,
Vol. VII,
p. 1030

Struck out

5 **14.** (1) Notwithstanding anything in the foregoing provisions of this Act, the Governor-General may from time to time, by Order in Council, if he thinks fit, appoint not more than two additional Judges of the Court and not more than four other additional members of the Court, to hold office as such during his pleasure. Any person may be appointed and may hold office as a Judge under this section, notwithstanding that he may have attained the age of retirement prescribed for Judges of the Supreme Court by section thirteen of the Judicature Act, 1908.

10 (2) Except as provided in this section, the foregoing provisions of this Act shall apply with respect to any Judge or Judges or other additional member or members appointed under this section.

15 (3) Where any additional Judge is in office under this section references in this Act to the Judge of the Court shall be deemed to include a reference to that additional Judge.

20

Power to appoint additional members of Court.

Ibid., Vol. II, p. 64

15. The Court shall have in the custody of each Registrar and Deputy Registrar a seal of the Court for the sealing of all orders of the Court and other documents that require to be sealed.

Seal of Court.

25 **16.** It shall not only be the duty of the Court to sit as a judicial body for the determination of appeals and other matters formally submitted to it, but it may also of its own motion issue general directions on questions of procedure to be observed by the Land Valuation Committees in the exercise of their powers and functions under this Act, and may at any time exercise any power or function of a Land Valuation Committee under this Act.

30

Court may issue general directions to Land Valuation Committees.

17. Proceedings before the Court shall not be held bad for want of form. *Subject to the provisions of subsection three of section twelve of this Act* no appeal shall lie from any award or order of the Court, and *except on the ground of lack of jurisdiction* no proceeding, award, or order as aforesaid shall be liable to be challenged, reviewed, quashed, or called in question in any Court.

35

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Proceedings before Court not to be questioned for want of form or appealed against.

Struck out

Judge may
state case for
Court of
Appeal.

Stating of
case for Court
of Appeal.

18. The Judge of the Court may in any matter before the Court state a case for the opinion of the Court of Appeal on any question of law arising in the matter.

5

18A. The Judge shall, on the application of any party in any proceedings before the Court, unless he considers the application to be frivolous or vexatious or made for the purposes of delay, or may of his own motion, state a case for the opinion of the Court of Appeal on any question of law arising in the proceedings.

10

New

18B. The Judge of the Court may, on the application of any party to any proceedings before the Court, or of his own motion, state a case for the opinion of the Court of Appeal on any question of law arising in the proceedings.

15

Land Valuation Committees

Power to
establish Land
Valuation
Committees.

19. (1) For the purposes of this Act there shall be established such number of Land Valuation Committees as the Governor-General in Council thinks necessary. Every Land Valuation Committee shall be given such distinctive name as the Governor-General in Council determines, and any such name may from time to time be changed by the Governor-General in Council.

20

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(2) Every Land Valuation Committee shall consist of such number of persons (not exceeding three) as the Governor-General in each case thinks fit, to be appointed by the Governor-General ~~in Council~~, and to hold office during his pleasure. Where a Committee consists of more than one person, one of the members shall be appointed by the Governor-General ~~in Council~~ to be the Chairman of the Committee, and the quorum at sittings of the Committee shall be such number as the Governor-General ~~in Council~~ determines.

30

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(3) The members of each Land Valuation Committee appointed by the Governor-General ~~in Council~~ shall be entitled to such remuneration by way of salaries, fees, or allowances and to such travelling expenses and allowances as may from time to time be fixed by regulations under this Act, or as may be approved by the Minister of Finance if there are no such regulations or in cases where the regulations do not apply.

40

(4) At every meeting of the Committee the Chairman shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote.

5 (5) The Governor-General ~~in Council~~ may from time to time appoint any person to be the deputy of any member of any Land Valuation Committee. The deputy of any member shall have authority to act as a member of the Committee in the event of the absence from any meeting of the member whose deputy he is, and while
10 so acting shall be deemed to be a member of the Committee.

(6) The Governor-General ~~in Council~~ may appoint one of the members of the Committee, or a person appointed to be the deputy of the Chairman, to be the
15 Deputy Chairman of the Committee. The Deputy Chairman shall have authority to act as the Chairman of the Committee in the event of the absence of the Chairman, and while so acting shall have all the powers of the Chairman.

20 (7) Any person may be appointed to hold office concurrently as a member or deputy member of two or more Land Valuation Committees.

(8) In the event of the sickness or other incapacity of any member of a Land Valuation Committee, the
25 Governor-General ~~in Council~~ may appoint any person to act in the place of that member during his incapacity.

(9) Every Land Valuation Committee shall, within the scope of its jurisdiction, be deemed to be a Commission under the Commissions of Inquiry Act, 1908,
30 and, subject to this Act and to any rules or regulations made under this Act, all the provisions of that Act shall apply accordingly.

See Reprint
of Statutes,
Vol. I, p. 1036

(10) The procedure of a Land Valuation Committee shall, subject to this Act and to any rules or regulations
35 made under this Act, be such as that Committee thinks fit.

20. Before entering upon the exercise of the duties of their office the members and deputy members of every Land Valuation Committee shall take and sub-
40 scribe an oath before the Judge or a Registrar that they will faithfully and impartially perform the duties of their office.

Oath to be
taken by
members of
Committee.

Filing of
claims and
other matters.

21. (1) Subject to the provisions of the *next succeeding* subsection, every claim, objection, application, or other proceeding shall be filed in the office of the Court nearest to the place where the land or any part of the land to which the proceedings relate is situated. 5

See Reprint
of Statutes,
Vol. VII,
p. 1030

(2) Every objection to a valuation made by the Valuer-General shall be lodged with the Valuer-General. Where under the provisions of the Valuation of Land Act, 1925, the Valuer-General files in the Court a list of objections to be determined by the Court, he shall also file therewith a copy of every objection set out in the list. 10

1943, No. 16

(3) Every claim, objection, application, or other proceeding shall contain or be accompanied by such particulars, information, or documents as may be prescribed or as may be required by the Court or the Land Valuation Committee, and, in the case of every application under the Servicemen's Settlement and Land Sales Act, 1943, shall be verified by the statutory declaration of the applicant or of some other person with a knowledge of the facts. 15 20

(4) Any claim, objection, application, or other proceeding may be amended by the Court or the Land Valuation Committee of its own motion or on the application of any person interested in the proceedings, at any time before the proceedings are finally determined, and upon or subject to such conditions as the Court or the Committee thinks fit. 25

Proceedings to
be referred to
a Land
Valuation
Committee.

22. (1) As soon as conveniently may be after the filing of any claim, objection, application, or other proceeding, the Registrar in whose office the claim, objection, application, or other proceeding has been filed shall refer the matter to a Land Valuation Committee to be dealt with by that Committee in accordance with the provisions of this Act: 30 35

See Reprint
of Statutes,
Vol. VII, p. 622
1943, No. 16

Provided that where in any claim for compensation under the Public Works Act, 1928, or under Part II of the Servicemen's Settlement and Land Sales Act, 1943, the claimant and the respondent or the claimant and the Minister of Lands, as the case may be, so require, the claim shall not be referred to a Land Valuation Committee, but shall be heard and determined by the Court. 40

(2) Unless the Court otherwise directs, the Land Valuation Committee to which any matter is referred as aforesaid shall be the Committee usually exercising its functions under this Act in the locality in which
75 the land to which the proceedings relate is situated.

23. (1) Where any claim, objection, application, or other matter is referred to a Land Valuation Committee to be dealt with by that Committee in accordance with the provisions of this Act, the Committee shall as soon
10 as practicable fix a time and place for the hearing, and shall give notice of the time and place so fixed to all parties:

Procedure where matters are referred to a Land Valuation Committee.

Provided that nothing contained in this subsection shall in any way restrict the power of the Land Valuation Committee under subsection one of section fifty of the Servicemen's Settlement and Land Sales Act, 1943,
15 to grant its consent to any transaction without calling on the applicant or hearing evidence.

1943, No. 16

(2) Every party, and every other person who
20 satisfies the Committee that he is interested in the hearing (whether as a party to any transaction or proposed transaction or otherwise), shall be entitled to appear at the hearing personally or by his solicitor, counsel, or agent, and to be heard and to produce
25 evidence and to cross-examine witnesses, and may himself be required to give evidence as to his interest in the proceedings and be cross-examined thereon.

(3) The Committee may from time to time alter the time and place fixed for the hearing and may adjourn
30 the hearing from time to time and from place to place.

Struck out

(4) The Committee may from time to time before the hearing or during any adjournment thereof exercise such of its powers of inquiry and investigation and such
35 of its other powers as it thinks fit.

(5) If any party fails to appear before the Committee at the time and place appointed, the Committee may, upon proof of the service of the notice of the sitting, proceed to hear and determine the claim,
40 objection, application, or other matter.

24. (1) Any Land Valuation Committee may, of its own motion or on application by the Crown representative appointed under section *thirty-six* of this Act or by any party to the proceedings, refer any matter
45 arising in any proceedings to the Court for its directions.

Land Valuation Committee may refer matters to Court for directions.

(2) In any such case the Court, in its discretion, may give such directions or make such order as it thinks fit, and may before doing so receive such evidence and representations from such persons as it thinks fit (whether they are parties to the proceedings or not): 5

Provided that the parties and the said Crown representative shall be given an opportunity of being present when the Court receives any such evidence or representations, and of being heard thereon and to produce evidence and cross-examine witnesses. 10

Struck out

Orders of
Committees to
be filed in
Court.

25. (1) Every order made by a Land Valuation Committee under this Act shall be signed by the Chairman or a member of the Committee or by a Registrar of the Court and shall be filed in the Court. The Committee shall cause notice of the filing of any order under this section to be given to the parties. Notice shall also be given to all other persons affected by the order, in such manner as, subject to any rules or regulations made under this Act, the Committee deems sufficient. 15 20

(2) If an appeal is not lodged under the *next succeeding* section, the order may be sealed by the Court, and thereupon it shall be deemed to be an order of the Court. 25

New

Orders of
Committees to
be sealed.

25A. (1) Notice of the making of every final order of a Land Valuation Committee under this Act shall forthwith be given to the parties and to such other persons, and in such manner, as may be prescribed. 30

(2) If an appeal is not lodged under the *next succeeding* section, a formal order embodying the determination of the Committee shall be sealed by the Registrar and shall thereupon be deemed to be an order of the Court. 35

Appeals to
Land Valuation
Court.

26. (1) Within the prescribed time after the filing of any order of a Land Valuation Committee as provided in the last preceding section, the making of any final order of a Land Valuation Committee or within such further time as may be allowed by the Court, His Majesty (acting by any Minister or by a 40

Crown representative appointed under section *thirty-six* of this Act) or any person affected by the order may, in accordance with the rules of the Court, appeal to the Court from the order or from any part thereof.

5 Every such appeal shall be by way of rehearing.

(2) The prescribed time for the purposes of the *last preceding* subsection shall be—

10 (a) Seven days in the case of an order under Part III of the Servicemen's Settlement and Land Sales Act, 1943, granting unconditionally an application for consent to any transaction: 1943, No. 16

15 (b) Twenty-one days in the case of an order on a claim for compensation under the Public Works Act, 1928, or under Part II of the Servicemen's Settlement and Land Sales Act, 1943: See Reprint of Statutes, Vol. VII, p. 622 1943, No. 16

(c) Fourteen days in any other case.

20 (3) If an appeal is not lodged as aforesaid, the Court, at any time before it seals the order of the Committee, the formal order embodying the determination of the Committee is sealed, may, of its own motion, direct that the order be reviewed before the Court as if an appeal had been lodged, or that the matter be referred to the Committee for further consideration.

25 (4) Upon any such appeal or review the Court may confirm, discharge, or vary the order of the Committee, or direct that the matter be referred to the Committee for further consideration, as it thinks fit, and generally 30 may make such order as it considers just and equitable in the circumstances of the case.

27. (1) Every Land Valuation Committee shall in the exercise of its powers and functions be subject to the general jurisdiction of the Land Valuation Court.

35 (2) Proceedings before a Land Valuation Committee shall not be held bad for want of form. *Subject to the provisions of subsection three of section twelve of this Act*, no proceedings or order of a Land Valuation Committee shall be liable to be challenged, reviewed, 40 quashed, or called in question in any Court except the Land Valuation Court.

Proceedings before Committee not to be questioned except by Land Valuation Court.

PART II

JURISDICTION OF THE LAND VALUATION COURT
*Claims for Compensation under the Public Works
 Act, 1928*

Claims for
 compensation
 under the
 Public Works
 Act, 1928.
 See Reprint
 of Statutes,
 Vol. VII, p. 622

1944, No. 31
 1947, No. 18

28. (1) As from the commencement of this Act, all 5
 claims for compensation which under the provisions of
 the Public Works Act, 1928, or of any other Act, would
 be required to be determined by a Compensation Court
 constituted under the said Public Works Act, 1928, shall 10
 be heard and determined by the Land Valuation Court; and
 for that purpose all the powers and jurisdiction
 of a Compensation Court under that Act are hereby
 vested in and may hereafter be exercised by the Land
 Valuation Court:

Provided, however, that nothing contained in this 15
 Act shall affect any claim for compensation to which
 section thirty-four of the Finance Act (No. 3), 1944,
 or the Lake Taupo Compensation Claims Act, 1947,
 applies; and all such claims shall be heard and
 determined as if this Act had not been passed. 20

(2) All references to a Compensation Court under 20
 the Public Works Act, 1928, in that Act or in any other
 Act, or in any rule, regulation, or enactment, or in any
 contract, agreement, or other document whatsoever
 shall, unless the context otherwise requires, be here- 25
 after read as references to the Land Valuation Court.

(3) The enactments set out in the *First* Schedule
 to this Act are hereby consequentially amended in the
 manner indicated in that Schedule.

(4) All claims for compensation which before the 30
 commencement of this Act have been filed in the
 Supreme Court under section fifty-three of the Public
 Works Act, 1928, ~~and which have been wholly or partly
 heard but have not been determined at the commence-
 ment of this Act,~~ shall be determined *may be heard and* 35
determined by a Compensation Court as if this Act had
 not been passed:

New

Provided that where the hearing of any such claim 40
 has not commenced before a Compensation Court before
 the first day of July, nineteen hundred and forty-nine,
 that claim shall be heard and determined by the Land
 Valuation Court under this Act.

*Applications and Objections under the Servicemen's
Settlement and Land Sales Act, 1943*

29. (1) The Land Sales Court constituted under the Servicemen's Settlement and Land Sales Act, 1943, is hereby abolished, and all the powers and jurisdiction of that Court are hereby vested in and, so long as that Act remains in force, may be exercised by the Land Valuation Court.

Land Sales Court abolished and jurisdiction transferred to the Land Valuation Court.
1943, No. 16

(2) All Land Sales Committees established under the Servicemen's Settlement and Land Sales Act, 1943, are hereby abolished, and all the powers and jurisdiction of a Land Sales Committee under that Act are hereby vested in and, so long as that Act remains in force, may be exercised by a Land Valuation Committee established under this Act.

(3) As from the commencement of this Act all applications, objections, and other matters, which if this Act had not been passed would require to be made to and heard and determined by the Land Sales Court, shall be made to and heard and determined by the Land Valuation Court.

(4) All references to the Land Sales Court or to a Land Sales Committee in the Servicemen's Settlement and Land Sales Act, 1943, or in any other Act, or in any rule, regulation, judgment, order, contract, agreement, or other document whatsoever shall, unless the context otherwise requires, be hereafter read as references to the Land Valuation Court or to a Land Valuation Committee, as the case may be.

(5) The enactments set out in the *Second* Schedule to this Act are hereby consequentially repealed.

Repeals.

(6) All applications, objections, and other matters which before the commencement of this Act have been made or referred to the Land Sales Court under the Servicemen's Settlement and Land Sales Act, 1943, or any other Act, but which have not been determined at the commencement of this Act shall be deemed to have been made to the Land Valuation Court:

Provided that any application, objection, or other matter which before the commencement of this Act has been wholly or partly heard but has not been determined by a Land Sales Committee shall be determined as if this Act had not been passed, but any appeal from the order of the Land Sales Committee thereon shall be made to the Land Valuation Court. 5

Objections to Valuations under the Valuation of Land Act, 1925

Assessment Courts under Valuation of Land Act, 1925, abolished and jurisdiction transferred to the Land Valuation Court.
See Reprint of Statutes, Vol. VII, p. 1030

30. (1) All Assessment Courts established under the Valuation of Land Act, 1925, are hereby abolished, and all the powers and jurisdiction of those Courts are hereby vested in and may hereafter be exercised by the Land Valuation Court. 10

(2) As from the commencement of this Act all objections to valuations under the Valuation of Land Act, 1925, shall be heard and determined by the Land Valuation Court. 15

(3) All references to an Assessment Court under the Valuation of Land Act, 1925, in that Act or in any other Act, or in any rule, regulation, by-law, judgment, order, or other document whatsoever shall, unless the context otherwise requires, be hereafter read as references to the Land Valuation Court. 20

(4) The enactments set out in the *Third Schedule* to this Act are hereby consequentially amended in the manner indicated in that Schedule. 25

(5) All objections laid before any Assessment Court under the Valuation of Land Act, 1925, which have been wholly or partly heard but have not been determined before the commencement of this Act, shall be determined, and the decision of the Assessment Court thereon may be appealed against, as if this Act had not been passed. 30

Local authority may appoint member of Land Valuation Committee.

31. (1) Notwithstanding anything contained in section *nineteen* of this Act, each local authority may from time to time appoint a person to be an *additional* member of a Land Valuation Committee exercising its functions in the district of the local authority, to hold office during the pleasure of the local authority for the 35 40

purpose of acting as such member when objections to valuations of property situated in the district of the local authority are being heard and determined, but not otherwise.

5 (2) In the event of the sickness or other incapacity of the member appointed by the local authority, the local authority may appoint any person to act in the place of that member during his incapacity.

10 (3) While any person is so acting in the place of the member appointed by the local authority, he shall have all the powers, duties, and functions of the member of the Committee for whom he is so acting.

15 (4) The fact that any person is acting as the member appointed by the local authority shall be conclusive evidence of his authority so to do, and no person shall be concerned to inquire whether the occasion for his appointment had arisen or had ceased.

20 (5) No person being a member of any local authority or a paid officer of any local authority shall be appointed a member of a Land Valuation Committee under this section.

25 (6) For the purposes of this section the term "local authority" means—in a borough, the City or Borough Council; in a town district, the Town Board; in a road district, the Road Board; in an outlying district of a county or in a county in which there are no town districts or road districts, the County Council.

Appeals against Valuations of Land for Death Duty, Gift Duty, and Stamp Duty Purposes

30 **32.** (1) As from the commencement of this Act all appeals against any valuation of land made for death duty, gift duty, or stamp duty purposes, shall be heard and determined by the Land Valuation Court.

Land Valuation Court to determine appeals against valuations of land for death duty, gift duty, and stamp duty purposes.

35 (2) The enactments specified in the *Fourth* Schedule to this Act are hereby consequentially amended in the manner indicated in that Schedule.

40 (3) All appeals against any such valuation which have been wholly or partly heard but have not been determined before the commencement of this Act shall be determined as if this Act had not been passed.

Additional Jurisdiction

Governor-
General may
confer
additional
jurisdiction on
the Court.

33. (1) Subject to the provisions of any other Act, the Governor-General may from time to time, by Order in Council, confer on the Land Valuation Court jurisdiction to hear and determine any specified matter or class or classes of matters relating to the determination of the value of any land or any interest in land, or any claim for compensation in respect of damage to land, subject to such conditions and restrictions as may be specified in the Order in Council. 5 10

(2) Where in any Act, regulation, contract, agreement, or other document provision is made for the determination of any question relating to the value of any land or of any interest in land by arbitration under the Arbitration Act, 1908, or otherwise, that question may, with the consent of the parties and of the Land Valuation Court, be referred to and heard and determined by that Court. 15

(3) Where in any contract, agreement, or other document provision is made for the determination by the Land Valuation Court of any question relating to the value of any land or of any interest in land, the Court may, if it thinks fit, hear and determine any such question. 20

(4) Subject to the provisions of this Act, and of any rule or regulation made thereunder, and of any Order in Council under subsection *one* of this section, the procedure of the Land Valuation Court or of the Land Valuation Committee in any proceedings to which this section relates shall be such as the Court or the Committee, as the case may be, thinks fit, and every order of the Land Valuation Court in any such proceedings shall bind the parties thereto, and there shall be no appeal therefrom. Subject as aforesaid, no such proceedings and no order thereon shall be liable to be challenged, reviewed, quashed, or called in question in any Court. 25 30 35

(5) Subject to the provisions of any Order in Council under subsection *one* of this section, or of any agreement between the parties to any proceedings 40

See Reprint
of Statutes,
Vol. I, p. 346

referred to the Land Valuation Court under subsection *two* or subsection *three* of this section, the Court may make such order as it thinks fit as to the costs of any proceedings heard by the Court under this section.

5

PART III

MISCELLANEOUS

34. (1) All proceedings before the Court or a Land Valuation Committee shall be heard in public:

Proceedings to be in public unless the Court or Committee otherwise determines.

Struck out unless the
 10 Court or the Committee in any particular case, due regard being had to the interests of the parties and of all other persons concerned, considers that the hearing or any part thereof should take place in private:

15 Provided that the Court or Committee may deliberate in private as to its decision in the proceedings or as to any question arising in the course of the proceedings.

(2) The Court or a Land Valuation Committee may make an order prohibiting the publication of any report or description of the proceedings or of any part of the
 20 proceedings in any matter before the Court or the Committee:

25 Provided that no such order shall be made prohibiting the publication of the names and descriptions of the parties to the matter, particulars of the land affected, or the amount claimed or awarded as compensation, or, as the case may be, the amount of the purchase-money, rent, or other consideration for which the consent of the Court is applied for or granted, or the value of the land in respect of which the objection
 30 or appeal was made.

35. The Court may at any time dismiss any claim, objection, application, or other matter under this Act if it is satisfied that the claim, objection, application, or other matter is frivolous or vexatious or is made
 35 solely for the purpose of delay.

Court may dismiss frivolous or vexatious objections, &c.

36. (1) On the hearing of any proceedings before the Court or a Land Valuation Committee the Crown may be represented by any person appointed in that behalf by the Minister of the Crown charged with the

Crown representatives.

administration of the Act under which the proceedings are commenced, either generally or in respect of any class of proceedings or in respect of any particular proceedings.

(2) The Crown representative at the hearing of any proceedings shall have a right to be heard and to produce evidence and to cross-examine witnesses. 5

General
jurisdiction of
Court and Land
Valuation
Committees.

37. (1) In order that full effect may be given to the intent and purpose of this Act the Court and (subject to the control of the Court) every Land Valuation Committee shall, in every matter coming before it, have full power and jurisdiction to deal with and determine the matter in such manner and to make such order, not inconsistent with this Act, as it deems just and equitable in the circumstances of the case, notwithstanding that express provision in respect of the matter is not contained herein. 10 15

(2) In the course of any proceedings before it the Court and every Land Valuation Committee may, with or without any application, and upon such terms as to notice to parties and otherwise as it thinks fit, proceed to exercise any part of its jurisdiction the exercise of which in those proceedings it deems necessary or advisable: 20

New

Provided that the parties and the Crown representative shall be given an opportunity of being present when the Court or Land Valuation Committee, as the case may be, so proceeds to exercise any part of its jurisdiction, and of being heard thereon and of producing evidence and cross-examining witnesses. 25 30

Enforcement
of orders.

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

38. For the purpose of enforcing any order of the Court (other than an award on a claim for compensation under the Public Works Act, 1928) a copy of the order, under the seal of the Court, may be filed upon payment of such fee as may be prescribed in any office of the Supreme Court or of a Magistrate's Court, as the Land Valuation Court directs, whereupon the order shall have the effect of a judgment of the Supreme Court or of the Magistrate's Court, as the case may be, and may be enforced accordingly. 35 40

39. No person shall be deemed to be employed in the service of His Majesty for the purposes of the Public Service Act, 1912, or of the Superannuation Act, 1947, by reason of his being a member of the
5 Court or of any Land Valuation Committee.

Members of Court or of Land Valuation Committees not to be deemed to be public servants. See Reprint of Statutes, Vol. VII, p. 522 1947, No. 57

40. (1) The Governor-General may from time to time, by Order in Council, make all such regulations as in his opinion may be necessary or expedient for giving full effect to the provisions of this Act and for
10 the due administration thereof.

Regulations.

(2) All regulations made under this section shall be laid before Parliament within twenty-eight days after the making thereof if Parliament is then in session, and, if not, shall be laid before Parliament
15 within twenty-eight days after the commencement of the next ensuing session.

41. All awards and orders of a Compensation Court under the Public Works Act, 1928, or of the Land Sales Court under the Servicemen's Settlement
20 and Land Sales Act, 1943, or of an Assessment Court or of a Magistrate's Court under the Valuation of Land Act, 1925, shall continue in full force and effect and may be enforced as if this Act had not been passed.

Savings as to existing awards and orders. See Reprint of Statutes, Vol. VII, p. 622 1943, No. 16 See Reprint of Statutes, Vol. VII, p. 1030



SCHEDULES

Schedules.

FIRST SCHEDULE

Section 28 (3)

AMENDMENTS CONSEQUENTIAL ON THE ESTABLISHMENT OF THE
LAND VALUATION COURT

Title of Enactment.	Number of Section or Schedule Affected.	Nature of Amendment.
1928, No. 21— The Public Works Act, 1928 (Reprint of Statutes, Vol. VII, p. 622)	Section 49	By omitting from subsection one the words "a Compensation Court under this Act, and shall appoint an assessor to act in such Court on behalf of such person", and substituting the words "the Land Valuation Court".
	Section 53	By omitting from paragraph (a) the words "Supreme Court", where they first occur, and substituting the words "Land Valuation Court"; by inserting in paragraph (a), before the words "have the effect of", the words "be filed in the Supreme Court and shall"; by omitting from paragraph (b) the words "Supreme Court", and substituting the words "Land Valuation Court".
	Section 54 (1)	By omitting from subsection one the words "Supreme Court", and substituting the words "Land Valuation Court"; by omitting from subsection one the words "or office prescribed in subsection four of this section".
	Section 54 (2)	By repealing subsection two, and substituting the following new subsection:— "(2) If the respondent gives notice in writing within the said sixty days, or within such further time as may be allowed by the Land Valuation Court, that he does not admit the claim, but makes no such offer, or if the claimant does not accept the offer so made, the claimant may file a copy of his claim in the Land Valuation Court, together with a notice in the form in the Third Schedule hereto that he requires the claim to be heard in that Court."
	Section 54 (4)	By repealing subsection four.
	Sections 55, 57 to 73, 75 to 78, 83, 88, and 89	By repealing these sections.
	Section 90	By omitting from subsection one the word "President", wherever it occurs, and substituting in each case the word "Judge".
Section 230	By omitting from subsection two the words "Supreme Court", and substituting the words "Land Valuation Court".	

FIRST SCHEDULE—continued
 AMENDMENTS CONSEQUENTIAL ON THE ESTABLISHMENT OF THE
 LAND VALUATION COURT—*continued*

Title of Enactment.	Number of Section of Schedule Affected.	Nature of Amendment.
1928, No. 21— <i>continued</i>	Third Schedule ..	By omitting the words "Supreme Court", and substituting the words "Land Valuation Court"; by omitting the words "(or Clerk to the Magistrate's Court at)"; by omitting the words "and I hereby appoint C.D., of M.N., to be an assessor of the said Court. And I append hereto the consent and declaration of the said C.D. as by the said Act required."; by omitting the words "2. Assent of assessor to act, in the form provided in the Fourth Schedule to the Act."
1947, No. 46— The Public Works Amendment Act, 1947	Fourth Schedule .. Section 4	By repealing this Schedule. By omitting from paragraph (c) of subsection (5) the words "a Judge of the Supreme Court", and substituting the words "the Land Valuation Court"; by omitting from the said paragraph (c) the words "the Judge thinks fit", and also the words "he thinks fit", and substituting in each case the words "the Land Valuation Court or the Judge, as the case may be, thinks fit".

Section 29 (5)

*SECOND SCHEDULE*REPEALS CONSEQUENTIAL ON THE ABOLITION OF THE LAND
SALES COURT AND OF LAND SALES COMMITTEES

1943, No. 16—

The Servicemen's Settlement and Land Sales Act, 1943:
Part I, subsections (1) and (2) of section 26, and
sections 30, 49, 58, 59, 60, 63, and 64.

1944, No. 34—

The Land Laws Amendment Act, 1944: Sections 11, 12,
and 13.

1945, No. 34—

The Servicemen's Settlement and Land Sales Amendment
Act, 1945: Sections 2 and 3.

1946, No. 15—

The Servicemen's Settlement and Land Sales Amendment
Act, 1946: Section 17.

Section 30 (4)

THIRD SCHEDULE

AMENDMENTS CONSEQUENTIAL ON THE ABOLITION OF ASSESSMENT COURTS

Title of Enactment.	Number of Section Affected.	Nature of Amendment.
1925, No. 31— The Valuation of Land Act, 1925 (Reprint of Statutes, Vol. VII, p. 1030)	Sections 15, 28, 29, 30, 31, 32, and 33	By repealing these sections.
	Section 25	By omitting all the words after the words "The Valuer-General shall", where they first occur, and substituting the words "from time to time prepare and file in the Land Valuation Court a list of objections to be determined by the Court, and the Chairman of the Land Valuation Committee to whom those objections are referred shall enter all decisions given by the Committee in that list and shall initial all such entries. Except in the case of entries against which an appeal is lodged, the Valuer-General shall correct the roll from that list accordingly".
	Section 26	By adding the words "and the Valuer-General shall correct the roll accordingly".
	Section 27	By omitting the words "Subject to the provisions hereinafter contained as to appeals on points of law".
	Section 34	By omitting the words "Assessment Court", and substituting the words "Land Valuation Committee".
1931, No. 31— The Maori Land Act, 1931 (Reprint of Statutes, Vol. VI, p. 205)	Section 278 (as amended by section 6 (4) of the Valuation of Land Amendment Act, 1945)	By repealing subsection (2), and substituting the following new subsection:— “(2) All such objections shall be heard and determined by the Land Valuation Court, which may make such alteration in the valuation and all such consequential alterations as are necessary for the purpose of fixing the capital and unimproved values of the land and the value of any improvements. The decision of the Court shall be final.”
1945, No. 25— The Valuation of Land Amendment Act, 1945	Sections 4, 5, 6, 7, and 8	By repealing these sections.

FOURTH SCHEDULE Section 32 (2)
**CONSEQUENTIAL AMENDMENTS AS TO APPEALS FROM VALUATIONS
 FOR DEATH DUTY, GIFT DUTY, AND STAMP DUTY PURPOSES**

Title of Enactment.	Number of Section Affected.	Nature of Amendment.
1921, No. 21— The Death Duties Act, 1921 (Reprint of Statutes, Vol. VII, p. 388)	Section 70	By omitting from subsection (4) the words "a Magistrate's Court"; and substituting the words "the Land Valuation Court".
1923, No. 26— The Stamp Duties Act, 1923 (Ibid. p. 422)	Section 74	By omitting from subsection (2) the words "a Magistrate's Court"; and substituting the words "the Land Valuation Court".
1925, No. 31— The Valuation of Land Act, 1925 (Ibid., p. 1044)	Section 43	By omitting from subsection (1) the words "any Magistrate's Court", and substituting the words "the Land Valuation Court"; by repealing subsections (3), (4), and (6); by omitting from subsection (5) and also from subsection (7) the word "Magistrate", and substituting in each case the word "Court"; by omitting from subsection (5) the words "as he thinks fit", and substituting the words "as the Court thinks fit"; by omitting from paragraph (c) of subsection (9) the words "the Magistrate's Court", and substituting the words "the Land Valuation Court".