

New Zealand.



ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Principal Act to continue in force for further period. 3. Section 3 of Amendment Act, 1897, amended. 4. Provisions applied when Assessor resigns or refuses to act. 5. How amount of compensation payable to be determined. Proviso. | <ol style="list-style-type: none"> 6. Repeal. Land for workmen's homes within or adjacent to boroughs. Proviso. 7. Power of sale vested in trustees in certain cases. 8. Power to sell sites for churches, dairy factories, and creameries. 9. Limitation of compulsory powers of taking land for workmen's homes. 10. Renewal of debentures. 11. Acts modified. |
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1899, No. 6.

Title.

AN ACT to amend the Law authorising the Acquisition of Private Land for Purposes of Settlement. [29th September, 1899.]

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. The Short Title of this Act is "The Land for Settlements Acts Amendment Act, 1899"; and it shall form part of and be read together with "The Land for Settlements Act, 1894" (hereinafter called "the principal Act").

Principal Act to continue in force for further period.

2. For the purpose of continuing in force the principal Act and its amendments, section two of "The Land for Settlements Act Amendment Act, 1897," is hereby amended by substituting the words "expiration of the fourteenth day after the close of the first session of the next-ensuing Parliament," in lieu of the words "thirty-first day of March, one thousand nine hundred," wherever those words occur in that section.

Section 3 of Amendment Act, 1897, amended.

3. Section three of "The Land for Settlements Act Amendment Act, 1897," is hereby amended by inserting the words "twenty-three" next after the words "twenty-two."

Provisions applied when Assessor resigns or refuse to act.

4. In order to remove technical difficulties in the disposal of claims for compensation, whether now pending or hereafter arising, in respect of land taken or proposed to be taken under the principal Act, the provisions of section sixty of "The Public Works Act, 1894," in so far as they relate to Assessors, shall extend and apply and be deemed to have at all times extended and applied to the case of an Assessor who resigns or refuses to act.

5. In determining the compensation payable in respect of land compulsorily taken, or thereby injuriously affected, the Court shall in every case have regard only to the value of the land, and the loss, if any, to the claimant's business occasioned by such compulsory taking :

How amount of compensation payable to be determined.

Provided that this section shall not affect any claim for compensation in respect of land compulsorily taken or thereby injuriously affected if the notice of intention to take the land has been gazetted prior to the time of the passing of this Act.

Proviso.

6. Section eight of "The Land for Settlements Act Amendment Act, 1897," is hereby repealed, and in lieu thereof it is hereby declared that, for the purposes of providing workmen's homes or workmen's villages, land may be compulsorily taken within a borough having a population of not less than fifteen thousand inhabitants according to the latest census returns, or within a radius of fifteen miles from the boundary thereof, subject, however, to the following special provisions in every case where the Minister's requisition states that the land is intended to be compulsorily taken for any of the purposes aforesaid :—

Repeal.

Land for workmen's homes within or adjacent to boroughs.

(1.) Not more than one hundred acres shall be so taken in any one year within any one such borough, or within the aforesaid radius from the boundary thereof.

(2.) Sections seven and eight of the principal Act shall not apply.

(3.) The owner shall have the right to retain, out of the land proposed to be so taken, an area of not more than ten acres if such area is within such borough, or fifty acres in any other case :

Provided that he asserts such right in his claim under section twelve of the principal Act, and specifies in the claim the area, situation, and boundaries of the land in respect of which the right is asserted.

Proviso.

7. In the case of land vested in trustees without power of sale the following special provisions shall apply, anything in the instrument containing the trust or in section forty-one of the principal Act to the contrary notwithstanding :—

Power of sale vested in trustees in certain cases.

(1.) Such land may be acquired by Her Majesty by purchase or exchange in the same manner in all respects as if the trustees were the beneficial owners thereof with power of sale.

(2.) In particular, but without in any way limiting the operation of the foregoing provisions of this section, the trustees may execute valid instruments of assurance for the purpose of vesting the land in Her Majesty, if acquired by purchase or exchange.

(3.) All moneys received by the trustees in respect of the purchase of the land by Her Majesty, and all land vested in them by Her Majesty by way of exchange, shall be held by them upon the same trusts as affected the first-mentioned land immediately prior to its being so purchased or exchanged ; and for the purpose of giving effect to the trusts the trustees may when necessary apply the moneys in the purchase of other land :

Provided that this subsection shall not affect the jurisdiction of the Supreme Court to vary or modify the trusts in any case where such jurisdiction would have existed if the land had remained vested in the trustees.

(4.) The land so acquired by Her Majesty shall be deemed to be discharged from the trusts theretofore affecting the same.

(5.) This section shall not apply to lands held in trust for persons of the Native race.

8. Notwithstanding anything to the contrary in the principal Act, the following provisions shall apply with respect to land subject to that Act:—

(1.) With the consent in each case of the Minister, land may be sold in fee-simple as sites for churches, dairy factories, or creameries.

(2.) The area of each site shall not exceed one acre in the case of a church, and five acres in the case of a dairy factory or creamery.

(3.) The price shall in each case be fixed by the Minister, and shall be not less than the cost of the land.

(4.) For the purposes of any such sale the provisions of "The Land Act, 1892," relating to declaration, formal application, or public auction shall not apply.

(5.) The proceeds of the sale shall be paid into the Land for Settlements Account.

9. No land shall be taken compulsorily for the purpose of workmen's homes until after tenders have been called for land suitable for the purpose, nor until, in the opinion of the Land Purchase Board, all other means of obtaining suitable land have been exhausted.

10. Whenever any debentures issued under "The Land for Settlements Act, 1892," or the principal Act, become due, the Colonial Treasurer may renew the same by the creation and issue of new debentures for the like amount, with such currency as he thinks fit, and whenever any such new debentures become due they may in like manner be renewed: Provided that the currency of any debentures issued in renewal as aforesaid shall not exceed forty years, computed from the date of the issue of the original debentures.

11. The principal Act and its amendments are hereby modified in so far as they are in conflict with this Act, but not further or otherwise.

Power to sell sites for churches, dairy factories, and creameries.

Limitation of compulsory powers of taking land for workmen's homes.

Renewal of debentures.

Acts modified.