

Version
as at 23 December 2023



Land Act 1948

Public Act 1948 No 64
Date of assent 2 December 1948
Commencement see section 1

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by Land Information New Zealand.

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An Act to consolidate and amend certain enactments of the General Assembly relating to the lands of the Crown in New Zealand

1 Short Title and commencement

This Act may be cited as the Land Act 1948 and shall come into force on 1 April 1949.

2 Interpretation

In this Act, unless the context otherwise requires,—

alienation includes a limited disposal by lease or licence, as well as an absolute disposal by sale or otherwise; and **to alienate** has a corresponding meaning

Chief Surveyor means a Chief Surveyor within the meaning of the Survey Act 1986

Commissioner means the Commissioner of Crown Lands appointed under section 24AA

Crown land means land vested in Her Majesty which is not for the time being set aside for any public purpose or held by any person in fee simple; and includes,—

- (a) land of the Crown which immediately before the commencement of this Act was subject to any of the enactments repealed by this Act;
- (b) land described in Schedule 2 of the Thermal Springs Districts Act 1910 and declared to be Crown land by section 10 of that Act;
- (bb) land acquired by the Crown under section 85 of the Maori Reserved Land Act 1955 or the corresponding provisions of any former Maori Townships Act;
- (c) land which has become the property of the Crown under section 91 of the Public Trust Office Act 1957 or section 108 of the Public Trust Act 2001;
- (d) land which has become the property of the Crown as *bona vacantia*, or land which has become the property of the Crown under section 324 of the Companies Act 1993;
- (e) land purchased for general settlement by the Maori Land Board under the Maori Affairs Act 1953; and
- (f) land (other than a road) which has become the property of the Crown under Part 10 of the Resource Management Act 1991,—

but does not include any Maori land or any land held by Her Majesty in trust under any other Act or any land held, taken, purchased, acquired, or set apart by Her Majesty under any other Act, unless that Act declares that the land so held, taken, purchased, acquired, or set apart is Crown land subject to this Act or to any former Land Act

cultivation includes drainage, the felling of bush, or the clearing of land for cropping, or the clearing and ploughing of land for, and the laying down of the same for or with, grasses

deferred-payment licence means a licence to occupy Crown land pending the completion of the payment of the purchase price thereof on a system of deferred payments

department means the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

department of State means an incorporated department or instrument of the executive Government of New Zealand

deputy, in relation to any officer of the department, means an officer of the department for the time being exercising or performing any power, function, or duty of that first-mentioned officer

Director-General means the Commissioner

discharged serviceman has the same meaning as in Part 1 of the Rehabilitation Act 1941

district means a land district as constituted under this Act

forfeiture or **forfeited** means forfeiture or forfeited to Her Majesty

former Land Act means any enactment repealed by this Act, and any other Act repealed before this Act and relating to the disposal of Crown land

improvements means substantial improvements of a permanent character, and includes reclamation from swamps; clearing of bush, gorse, broom, sweetbrier, or scrub; cultivation; planting with trees or live hedges; the laying out and cultivating of gardens; fencing (including rabbitproof fencing); draining; roading; bridging; sinking wells or bores, or constructing water tanks, water supplies, water races, irrigation works, head races, border dykes, or sheep dips; making embankments or protective works of any kind; in any way improving the character or fertility of the soil; the erection of any building; and the installation of any telephone or of any electric lighting or electric power plant

Land Settlement Board or **Board** means the Commissioner

Land Valuation Tribunal or **Tribunal** means a Land Valuation Tribunal established under the Land Valuation Proceedings Act 1948; and **the Land Valuation Tribunal**, or **the Tribunal**, when used in relation to any land, means the particular Land Valuation Tribunal to which any application or appeal or other matter arising under this Act and relating to that land has been made or referred

lease means a lease granted under this Act, or under any former Land Act; and **lessee** has a corresponding meaning

licence means a licence granted under this Act, or under any former Land Act; and includes a deferred-payment licence; and **licensee** has a corresponding meaning

local authority means a local authority within the meaning of the Local Government Act 2002

Maori and **Maori land** have the same meanings respectively as in Te Ture Whenua Maori Act 1993

Minister means the Minister of Lands

pastoral land means Crown land that is for the time being so classified by the Board under section 51

pastoral lease means a lease of pastoral land, granted under section 66

principal land office means the office appointed as such by the Governor-General in respect of any land district

private land means any land which is for the time being held in fee simple by any person other than Her Majesty

renewable lease means a renewable lease as defined in section 63 or in the corresponding provisions of any former Land Act

rental value means the value of Crown land on which the yearly rent payable under a renewable lease is calculated in accordance with this Act

residence, in relation to a lease or licence of any Crown land, means the home of the lessee or licensee, or, with the consent of the Board, the home of the family of the lessee or licensee, being in every case a habitable house; and **to reside** has a corresponding meaning

serviceman has the same meaning as in Part 1 of the Rehabilitation Act 1941

surveyor means licensed cadastral surveyor within the meaning of the Cadastral Survey Act 2002

Surveyor-General means the Surveyor-General appointed in accordance with section 5 of the Cadastral Survey Act 2002; and includes the Deputy Surveyor-General

value of improvements means the added value which at the time of valuation those improvements give to the land.

Compare: 1924 No 31 s 2; 1925 No 15 s 2; 1933 No 29 s 283; 1935 No 9 s 2

Section 2 **Chief Surveyor**: replaced, on 1 April 1987, by section 81(1) of the Survey Act 1986 (1986 No 123).

Section 2 **Commissioner**: replaced, on 1 February 1990, by section 6 of the Survey Amendment Act (No 3) 1989 (1989 No 139).

Section 2 **Commissioner**: amended, on 1 June 2002, by section 68(1) of the Cadastral Survey Act 2002 (2002 No 12).

Section 2 **Crown land** paragraph (bb): inserted (with effect on 1 April 1949), on 1 December 1950, by section 2(1) of the Land Amendment Act 1950 (1950 No 96).

Section 2 **Crown land** paragraph (bb): amended, on 1 January 1956, pursuant to section 93(1) of the Maori Reserved Land Act 1955 (1955 No 38).

Section 2 **Crown land** paragraph (c): amended, on 1 March 2002, by section 170(1) of the Public Trust Act 2001 (2001 No 100).

Section 2 **Crown land** paragraph (c): amended, on 1 April 1958, pursuant to section 142(1) of the Public Trust Office Act 1957 (1957 No 36).

Section 2 **Crown land** paragraph (d): amended, on 1 July 1994, by section 2 of the Company Law Reform (Transitional Provisions) Act 1994 (1994 No 16).

Section 2 **Crown land** paragraph (e): amended, on 1 April 1975, pursuant to section 11(2) of the Maori Affairs Amendment Act 1974 (1974 No 73).

Section 2 **Crown land** paragraph (e): amended, on 1 April 1954, pursuant to section 473(1) of the Maori Affairs Act 1953 (1953 No 94).

Section 2 **Crown land** paragraph (f): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 2 **department**: replaced, on 1 June 2002, by section 68(1) of the Cadastral Survey Act 2002 (2002 No 12).

Section 2 **deputy**: inserted, on 14 October 1981, by section 2(2) of the Land Amendment Act 1981 (1981 No 44).

Section 2 **Deputy Director-General**: repealed, on 1 February 1990, by section 6 of the Survey Amendment Act (No 3) 1989 (1989 No 139).

Section 2 **Director-General**: replaced, on 1 February 1990, by section 6 of the Survey Amendment Act (No 3) 1989 (1989 No 139).

Section 2 **Land Settlement Board or Board**: replaced, on 1 February 1990, by section 6 of the Survey Amendment Act (No 3) 1989 (1989 No 139).

Section 2 **Land Valuation Court**: repealed, on 1 April 1969, by section 15 of the Land Valuation Proceedings Amendment Act 1968 (1968 No 42).

Section 2 **Land Valuation Tribunal or Tribunal**: inserted, on 1 September 1977, by section 6(3) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 2 **local authority**: replaced, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 2 **Maori and Maori land**: amended, on 1 July 1993, pursuant to section 362(2) of Te Ture Whenua Maori Act 1993 (1993 No 4).

Section 2 **minerals**: repealed, on 1 April 1973, by section 49(3) of the Coal Mines Amendment Act 1972 (1972 No 8).

Section 2 **pastoral land**: inserted, on 30 November 1979, by section 5(1) of the Land Amendment Act 1979 (1979 No 57).

Section 2 **pastoral lease**: inserted, on 30 November 1979, by section 5(1) of the Land Amendment Act 1979 (1979 No 57).

Section 2 **pastoral occupation licence**: repealed, on 23 June 1998, by section 102 of the Crown Pastoral Land Act 1998 (1998 No 65).

Section 2 **surveyor**: replaced, on 2 September 1966, by section 42(3) of the Surveyors Act 1966 (1966 No 15).

Section 2 **surveyor**: amended, on 1 June 2002, by section 68(1) of the Cadastral Survey Act 2002 (2002 No 12).

Section 2 **Surveyor-General**: replaced, on 1 April 1987, by section 81(1) of the Survey Act 1986 (1986 No 123).

Section 2 **Surveyor-General**: amended, on 1 June 2002, pursuant to section 68(2) of the Cadastral Survey Act 2002 (2002 No 12).

Part 1 General administration

Department of Lands and Survey

3 Minister of Lands

[Repealed]

Section 3: repealed, on 1 February 1990, by section 8(a) of the Survey Amendment Act (No 3) 1989 (1989 No 139).

3A Department of Lands

[Repealed]

Section 3A: repealed, on 1 February 1990, by section 8(a) of the Survey Amendment Act (No 3) 1989 (1989 No 139).

4 Department of Lands and Survey

[Repealed]

Section 4: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

5 Director-General of Lands

[Repealed]

Section 5: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

6 Surveyor-General

[Repealed]

Section 6: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

7 Deputy Directors-General

[Repealed]

Section 7: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

8 Fields Director

[Repealed]

Section 8: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

9 Commissioners of Crown Lands and Chief Surveyors

[Repealed]

Section 9: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

10 Appointment of assistants

[Repealed]

Section 10: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

11 Appointment of deputies

[Repealed]

Section 11: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

11A Delegation of powers by Minister

- (1) Subject to the provisions of any other Act relating to the delegation of the Minister's powers under that Act, the Minister may from time to time, by writing under his hand, either generally or particularly, delegate to any officer or officers of the department all or any of the powers exercisable by him as Minister

under any enactment including powers delegated to him under any enactment, but not including the power to delegate under this section.

- (2) Subject to any general or special directions given or conditions attached by the Minister, an officer to whom any powers are delegated under this section may exercise those powers in the same manner and with the same effect as if they had been conferred on him directly by this section and not by delegation.
- (3) Until a delegation made under this section is revoked, it shall continue in force according to its tenor; and, in the event of the Minister by whom any such delegation has been made ceasing to hold office, the delegation shall continue to have effect as if made by the person for the time being holding office as Minister.
- (4) In the event of an officer to whom a delegation under this section has been made ceasing to hold the office that he held when the delegation was made, the delegation shall continue to have effect as if made to the person for the time being holding that office or, if there is no person holding that office, to the person (if any) for the time being authorised to exercise the powers of the holder of that office.
- (5) The fact that an officer of the department exercises any power of the Minister shall, in the absence of proof to the contrary, be sufficient evidence that he has been authorised to do so by a delegation under this section.
- (6) Every delegation made under this section shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Minister.

Section 11A: inserted, on 21 November 1977, by section 3 of the Land Amendment Act 1977 (1977 No 51).

Land Settlement Board

12 Land Settlement Board

[Repealed]

Section 12: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

13 Duties of Board

[Repealed]

Section 13: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

14 Land Settlement Committees

[Repealed]

Section 14: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

15 Board may delegate its powers

[Repealed]

Section 15: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

15A Marginal Lands Board may acquire farm land for disposal to holders of uneconomic farm units

[Repealed]

Section 15A: repealed, on 21 October 1982, by section 3(5) of the Rural Banking and Finance Corporation Amendment Act 1982 (1982 No 28).

16 Board may conduct inquiries

[Repealed]

Section 16: repealed, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

17 Application for rehearing

- (1) Any person aggrieved by any decision of the Board or any determination of an administrative nature by the Board may, within 21 days after being notified of that decision or determination, apply to the Board for a rehearing, and the Board may, at any time within 1 month after receiving the application, grant a rehearing of the case if it thinks that justice requires it, and on the rehearing may reverse, alter, modify, or confirm the previous decision or determination in the same case:

provided that the Board shall not grant a rehearing where the decision or determination relates to the allotment of land to any person other than the person aggrieved unless that land has been allotted by the Board pursuant to the powers conferred on it by section 54.

- (2) Every application for a rehearing under this section shall be lodged with the Commissioner at the principal land office of the district in which the land concerned is situated.
- (3) This section applies with the necessary modifications if a person is aggrieved by any decision of the Commissioner under the Crown Pastoral Land Act 1998.

Compare: 1924 No 31 s 58

Section 17(1): replaced, on 19 October 1965, by section 4 of the Land Amendment Act 1965 (1965 No 48).

Section 17(3): inserted, on 17 November 2022, by section 20 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Appeals to High Court

Heading: amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

18 Appeal against decision of Board

- (1) Where any lessee or licensee under any lease or licence granted under this Act or any former Land Act considers himself aggrieved by any decision of the Board affecting the lease or licence, he may appeal to the High Court if, within 1 month after being notified of that decision, he gives notice of appeal to the Board, and also to such persons (if any) as have appeared before the Board as opponents of the case or claim or application to which the decision relates, and also gives security, to be approved by the Registrar of the court, for the costs of the appeal:
provided that no such appeal shall lie—
 - (a) where by any provision of this Act the decision of the Board is final:
 - (b) *[Repealed]*
 - (c) against any decision of the Board in relation to the allotment of land:
 - (d) where the Board has made a determination of an administrative nature.
- (2) Every notice to the Board under the last preceding subsection shall be lodged with the Commissioner at the principal land office for the district in which the land concerned is situated.
- (3) The appeal shall be in the form of a case agreed on by the Board and the appellant, or, if they cannot agree, the court shall hear the appeal without a case stated, and in any case may receive evidence either orally or by affidavit or by both of such means.
- (4) The court, if it thinks fit, instead of deciding any question of fact in dispute upon affidavit or personal examination by it of witnesses, may order that question to be found and determined by a jury, and may settle an issue or issues for that purpose.
- (5) After hearing the parties, the court shall give its decision, and cause the same to be certified in writing by the Registrar of the court to the Board, and the Board shall be bound to follow that decision, and shall reverse, alter, modify, or confirm its own decision in accordance therewith.
- (6) The court may make such order as to payment of costs to either party as it thinks fit.
- (7) For following such decision no action or other proceeding by any process of any court shall lie against Her Majesty, or the Board, or any Land Settlement Committee, or the Commissioner.

Compare: 1924 No 31 ss 59, 60

Section 18(1): replaced, on 19 October 1965, by section 5 of the Land Amendment Act 1965 (1965 No 48).

Section 18(1): amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

Section 18(1) proviso paragraph (b): repealed, on 15 August 1991, by section 3(4) of the Judicature Amendment Act 1991 (1991 No 60).

19 Questions of law may be submitted to Judge

- (1) The Board may, either at the instance of a party or of its own motion, in any case of doubt upon a question of law, submit a case thereon in writing to a Judge or Judges of the High Court, who, after hearing the parties or their counsel, or without so doing, as the Judge or Judges think fit, shall certify his or their opinion thereon in writing to the Board, and the Board shall be guided by that opinion.
- (2) For following that opinion no action or any other proceeding by any process of any court shall lie against Her Majesty, or the Board, or any Land Settlement Committee, or the Commissioner.

Compare: 1924 No 31 s 61

Section 19(1): amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

20 Procedure on appeals and on questions submitted to the High Court

The procedure on any appeal to the High Court under section 18 or on the hearing and deciding of questions stated under the last preceding section shall be in accordance with the practice and procedure of the court.

Compare: 1924 No 31 s 62

Section 20 heading: amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

Section 20: amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

21 No appeal affecting title of Crown

Nothing in the foregoing provisions of this Act relating to appeals shall authorise or permit an appeal from the decision of the Board upon any question affecting the title of the Crown to any land.

Compare: 1924 No 31 s 63

Land districts

22 Land districts

- (1) The following land districts are hereby declared to be land districts under this Act, that is to say:
 - the North Auckland Land District:
 - the South Auckland Land District:

the Gisborne Land District:
 the Hawke's Bay Land District:
 the Taranaki Land District:
 the Wellington Land District:
 the Nelson Land District:
 the Marlborough Land District:
 the Canterbury Land District:
 the Westland Land District:
 the Otago Land District:
 the Southland Land District.

- (2) The South Auckland Land District referred to in the last preceding subsection is hereby declared to be the same land district as the Auckland Land District constituted under section 29 of the Land Act 1924.
- (3) The Governor-General may, by Order in Council, from time to time—
- (a) define the boundaries of any land district; or
 - (b) alter the boundaries of any land district; or
 - (c) constitute 1 or more additional land districts; or
 - (d) abolish any land district; or
 - (e) change the name of any land district; or
 - (f) appoint any place, either within or without a particular land district, to be the principal land office of that district.
- (4) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1924 No 31 s 29

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 22(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

23 Islands

- (1) Unless and until otherwise determined by the Governor-General pursuant to the last preceding section, the Kermadec Group of islands shall be deemed to be included within the North Auckland Land District, the Chatham Islands within the Wellington Land District, and Solander Island and Ruapuke Island, in

Foveaux Strait, the Snares Islets, the Auckland Islands, Enderby Islands, Campbell Island, the Antipodes Islands, the Bounty Islands, and all other islands or islets within the limits of New Zealand which lie south of the 47th parallel of south latitude within the Southland Land District.

(2) *[Repealed]*

Compare: 1924 No 31 ss 31, 32

Section 23(2): repealed, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Commissioners of Crown Lands

24AA Commissioner of Crown Lands

- (1) A person must be appointed under the Public Service Act 2020 to hold office as the Commissioner of Crown Lands.
- (2) The Commissioner must report directly to the Minister on the exercise and performance of the Commissioner's statutory powers and functions.

Compare: 1986 No 123 s 12A

Section 24AA: inserted, on 1 June 2002, by section 68(1) of the Cadastral Survey Act 2002 (2002 No 12).

Section 24AA(1): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

24AB Delegation of Commissioner's functions, duties, and powers

The Commissioner may, under clauses 2 and 3 of Schedule 6 of the Public Service Act 2020, delegate to the employees of the department, in the same manner and to the same extent as if the Commissioner were the chief executive of the department, any power—

- (a) conferred by statute on the Commissioner; or
- (b) delegated under statute to the Commissioner by a Minister of the Crown.

Compare: 1986 No 123 s 12B

Section 24AB: inserted, on 1 June 2002, by section 68(1) of the Cadastral Survey Act 2002 (2002 No 12).

Section 24AB: amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

24 Powers and duties of Commissioners

- (1) The powers and duties of a Commissioner of Crown Lands, exercisable for and on behalf of the Crown in respect of all Crown land within his district, shall be—
 - (a) to prevent unlawful trespassing or intrusion upon or occupation of Crown land:
 - (b) to remove or expel, or cause to be removed or expelled, all trespassers and intruders on and persons unlawfully occupying Crown land, and to

remove or cause to be removed therefrom all livestock, goods, chattels and effects whatsoever of such persons, and such livestock, goods, chattels, and effects to impound in some public pound, and sell by public auction, if the same are not replevied or redeemed within 21 days after being so impounded by payment of all expenses incurred by the removal and impounding thereof and incidental thereto, and also of all penalties which may have been incurred in consequence of the trespass or intrusion by such livestock, goods, chattels, and effects; and the proceeds of any sale (after payment of the costs thereof, of the removal and impounding of such livestock, goods, chattels, and effects and incidental thereto, and of all penalties aforesaid) shall be paid to the person entitled thereto on application to the Commissioner:

- (c) to ascertain the limits of and to define, according to the laws in force relating thereto, the boundaries of all Crown land held under or affected by any lease or licence:
 - (d) to enter on any Crown land in order to take possession thereof in the name of Her Majesty:
 - (e) to sue for and recover money due to the Crown for rent, or for use and occupation in respect of any Crown land, or for injury or damage done to any Crown land by wrongful entry or occupation, or by wrongful removal therefrom of anything the property of Her Majesty:
 - (f) to enforce contracts respecting sales, leases, licences, or other disposition of Crown land, and to compel payment of money due to the Crown in respect thereof:
 - (g) to determine any determinable contracts respecting Crown land:
 - (h) to resume possession of Crown land on non-performance of contracts:
 - (i) to recover rents, purchase moneys, and other moneys due to the Crown in respect of any sales, leases, licences, or other disposition of Crown land:
 - (ia) to support the New Zealand Walking Access Commission as far as practicable in meeting its public access objective where that relates to pastoral land:
 - (j) such other duties as may from time to time be assigned to him by the Board.
- (2) Subject to any general or special directions given by the Board, the Commissioner may delegate to any officer of the department any of the powers set out in the last preceding subsection. The provisions of subsections (3), (4), (5), and (6) of section 15 shall apply, with the necessary modifications, to any delegation by the Commissioner under this subsection.

- (2A) The Commissioner may comment on, or provide input for, processes and decisions that may affect the Crown's interest as landowner of Crown land (for example, district plan changes).
- (3) All actions and proceedings by or on behalf of Her Majesty respecting Crown land within any district or respecting any contract relating thereto, or any breach of any such contract, or any trespass thereon, or any damages accruing by reason of trespass thereon, or for the recovery of any rents, purchase moneys, or other moneys in respect of Crown land, or in respect of any damages or wrongs whatsoever in any way suffered by the Crown in respect of Crown land, and any proceedings for the breach of any provision of this Act, may be commenced, prosecuted, and carried on by and in the name of the Commissioner on behalf of Her Majesty, and the Commissioner may be plaintiff, or defendant, or prosecutor, as the case may require, in any such action or proceeding.
- (4) All documents which require to be executed for the purposes of this Act by or on behalf of Her Majesty, or by or on behalf of the Board, may, unless otherwise provided by this Act, be executed by the Commissioner and, if so executed, shall be as valid and effectual as if executed by or on behalf of Her Majesty, or by or on behalf of the Board, as the case may be.
- (5) *See* section 4 of the Crown Pastoral Land Act 1998 for outcomes that persons performing or exercising functions, duties, or powers in relation to pastoral land must seek to achieve.

Compare: 1924 No 31 ss 34, 35

Section 24(1)(e): amended, on 1 January 2008, by section 364(1) of the Property Law Act 2007 (2007 No 91).

Section 24(1)(ia): inserted, on 17 November 2022, by section 21(1) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 24(2A): inserted, on 17 November 2022, by section 21(2) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 24(2A): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 24(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 24(5): inserted, on 17 November 2022, by section 21(3) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

25 Recovery of possession of Crown land

- (1) When any person, without any right, title, or licence, or whose right, title, or licence has expired or been forfeited or cancelled, is in occupation of any Crown land, or of any public reserve not granted to or vested in any local body, trustees, or other persons, the Commissioner, or some person appointed in writing by him, may enter a plaint in the office of the District Court within the district in which the land is situated to recover possession thereof; and the jurisdiction of the court or District Court Judge shall not be ousted on the plea that a

question of title is involved in any such case, or that the value of the premises of which possession is sought to be recovered is in excess of the jurisdiction of the court or District Court Judge.

- (2) If, on the hearing of the plaint, the defendant does not appear, or appears but fails to establish in himself an absolute right or title to the possession of the land, or if it is shown by or on behalf of the plaintiff, to the satisfaction of the court hearing the plaint, that the title under which the defendant claims has, as between himself and Her Majesty, expired or become liable to forfeiture or cancellation, the court shall declare such title to be extinguished, and may order that possession of the land sought to be recovered be given by the defendant to the plaintiff, either forthwith or on or before such a day as the court thinks fit to name, and that the defendant do pay the costs.
- (3) If possession is not given pursuant to that order, the District Court Judge or any Justice may issue a warrant requiring the bailiff of the court, or any constable, to give possession of those lands to the plaintiff.
- (4) Sections 194 to 197 and 199 of the District Court Act 2016 apply to any proceedings under this section.

Compare: 1924 No 31 s 36

Section 25(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 25(1): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Section 25(3): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Section 25(4): replaced, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

26 Inspection of Crown land

- (1) For the purpose of inspecting any Crown land held on lease or licence, the Director-General of Lands or any person authorised by him in writing shall, at all reasonable times, have free rights of ingress, egress, and regress, in respect of that land.
- (2) Every person who obstructs the Director-General of Lands or any person authorised by him in the making of an inspection, or who refuses or wilfully neglects to answer any reasonable question put to him in writing by the Director-General of Lands or any person so authorised, or who makes to him any wilful misstatement, commits an offence against this Act.

Compare: 1924 No 31 s 38

Section 26(1): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 26(2): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Financial provisions

27 Land Settlement Account

[Repealed]

Section 27: repealed, on 1 April 1964, by section 21 of the Public Revenues Amendment Act 1963 (1963 No 46).

28 Payments out of Crown Bank Account

- (1) Moneys required for any of the following purposes may be paid out of a Crown Bank Account from moneys appropriated by Parliament for the purpose:
- (a) in payment of the purchase price of any private land or interest in Crown land or Maori land purchased by the Board pursuant to the provisions of section 40:
 - (aa) in payment of the rental and other expenses relating to any lease of private land entered into by the Board pursuant to section 40A:
 - (b) in payment of the cost of the development of any land and the purchase of any things for the purpose of preparing Crown land for settlement pursuant to Part 3:
 - (c) in making advances to Crown tenants under Part 6:
 - (d) in payment of the cost of works undertaken by the Board pursuant to section 88:
 - (e) *[Repealed]*
 - (f) *[Repealed]*
 - (g) in payment of the reasonable expenses, as determined by the Minister of Finance, of administering this Act:
 - (h) generally, in payment for all things which require to be done to give effect to the purposes of this Act according to their true purport and tenor.
- (2) Nothing contained in the last preceding subsection shall prevent the payment out of any other account in a Crown Bank Account, for any purpose set out in that subsection, of moneys appropriated by Parliament to that other account for any such purpose.

Compare: 1925 No 15 s 45

Section 28 heading: amended, on 25 January 2005, pursuant to section 83(7) of the Public Finance Act 1989 (1989 No 44).

Section 28(1): amended, on 25 January 2005, pursuant to section 83(7) of the Public Finance Act 1989 (1989 No 44).

Section 28(1)(aa): inserted, on 21 November 1977, by section 4(2) of the Land Amendment Act 1977 (1977 No 51).

Section 28(1)(e): repealed, on 1 April 1978, by section 139(1) of the Public Finance Act 1977 (1977 No 65).

Section 28(1)(f): repealed, on 1 April 1978, by section 139(1) of the Public Finance Act 1977 (1977 No 65).

Section 28(2): amended, on 25 January 2005, pursuant to section 83(7) of the Public Finance Act 1989 (1989 No 44).

29 Payments into Crown Bank Account

Except where otherwise provided in this or any other Act, all rents, interest, fees, assessments, purchase moneys, improvement moneys, payments for live-stock, chattels, and farm produce, and other moneys payable under the provisions of this Act shall be paid to the department, and shall be paid by the department, except where otherwise prescribed in this or any other Act, into a Crown Bank Account.

Compare: 1924 No 31 s 20; 1929 No 8 s 8

Section 29 heading: amended, on 25 January 2005, pursuant to section 83(7) of the Public Finance Act 1989 (1989 No 44).

Section 29: amended, on 25 January 2005, pursuant to section 83(7) of the Public Finance Act 1989 (1989 No 44).

30 Adjustments on change of status of land

[Repealed]

Section 30: repealed, on 1 April 1978, by section 139(2) of the Public Finance Act 1977 (1977 No 65).

31 Interest on capital of Works and Trading Account

[Repealed]

Section 31: repealed, on 1 April 1978, by section 139(2) of the Public Finance Act 1977 (1977 No 65).

32 Administration expenses in respect of endowments

Where any endowment or other land is administered by the Board on behalf of any public body or other authority, or in trust for any purpose, and no provision is made elsewhere than by this section for payment being made to a Crown Bank Account in respect of the cost of administration, there may, without further authority than this section, be deducted and paid into a Crown Bank Account from the revenues from time to time derived from that land such amount as the Minister of Finance determines, not exceeding in respect of the expenses of any year an amount equal to 5% of the total amount of revenues derived from the land for that year.

Compare: 1927 No 33 s 4

Section 32: amended, on 25 January 2005, pursuant to section 83(7) of the Public Finance Act 1989 (1989 No 44).

Part 2 Surveys

Surveys and survey marks

33 Conduct of surveys

[Repealed]

Section 33: repealed, on 1 April 1987, by section 81(3) of the Survey Act 1986 (1986 No 123).

34 Entry on land for purposes of survey

[Repealed]

Section 34: repealed, on 1 April 1987, by section 81(3) of the Survey Act 1986 (1986 No 123).

35 Standard measurement of length

[Repealed]

Section 35: repealed, on 1 April 1987, by section 81(3) of the Survey Act 1986 (1986 No 123).

36 Trigonometrical sites

The land on which any trigonometrical station is situate, together with a right of way to and from the same, shall, for the purposes of survey, and notwithstanding any alienation thereof, be deemed and taken to be Crown land and to have been and to be excepted out of any such alienation.

Compare: 1924 No 31 s 9

37 Interference with survey marks

[Repealed]

Section 37: repealed, on 1 April 1987, by section 81(3) of the Survey Act 1986 (1986 No 123).

38 Obstruction of surveyor

[Repealed]

Section 38: repealed, on 1 April 1987, by section 81(3) of the Survey Act 1986 (1986 No 123).

39 Determination of limit, area, or boundaries of land

If in any action or proceeding touching or concerning any Crown land, or any grant, lease, or licence relating thereto, any question arises as to the limits or extent of, or as to the boundary of any land comprised in, any grant, lease, or licence, it shall be competent for the court before which the action or proceeding is pending to order and direct that that question shall be referred to any person or persons whom the court thinks fit, subject to such terms and conditions as the court thinks fit; and the award, order, and determination of that person or persons shall be conclusive in the action or proceeding as to the matter so referred, and shall be binding on the parties, and may be enforced as a rule of

the court, and the court may make such rule or order as it deems fit touching such reference or the costs thereof.

Compare: 1924 No 31 s 44

Part 3

Purchase and development of land

Purchase of private land

40 Purchase of private land or interest in Crown land

- (1) The Board, on behalf of Her Majesty, may, with the approval of the Minister, purchase any private land, or the interest of any lessee or licensee in any Crown land or Maori land, for the purposes of settlement as farming, urban, commercial or industrial, or pastoral land under this Act, or for any government purpose, or for use in conjunction with land which is already used, or intended to be used, or any of these purposes.
- (2) Before purchasing any private land or any interest in Crown land or Maori land under this section, it shall be the duty of the Board to ascertain, by report and valuation of 1 or more competent valuers, and by such other means as it thinks fit, the value thereof and its suitability for the purposes for which it is to be acquired under this Act.
- (3) On the approval of the Minister being given to the purchase, the Board may execute all deeds and instruments and do and perform all acts necessary for the completion of the purchase.
- (4) In payment either in whole or in part for private land or interest in Crown land or Maori land purchased under this section the Board may agree with the vendor that he will accept a grant in fee simple or a lease or licence of any Crown land; and in such a case the Commissioner shall, when so required by the Board, give effect to the agreement by executing such documents as may be necessary to give effect thereto.
- (5) All private land and all interests in Maori land purchased under this section shall when so purchased be deemed to be Crown land subject to this Act.

Compare: 1925 No 15 ss 12, 14, 17, 48(1)

Section 40(5): amended, on 25 October 1956, by section 3 of the Land Amendment Act 1956 (1956 No 42).

40A Leases of private land

- (1) The Board, on behalf of Her Majesty, may, with the approval of the Minister, lease from any person any private land for use in conjunction with Crown land.

- (2) Any such lease may be entered into on such terms and conditions as the Board thinks fit:

provided that, before entering into the lease, the Board shall ascertain, by report and valuation by at least 1 competent valuer and by such other means as the Board thinks fit, the value of the land and its suitability for the use proposed in respect thereof.

- (3) On the approval of the Minister being given to a proposal to lease private land pursuant to this section, the Board may execute all agreements, deeds, and instruments and do and perform all acts necessary to obtain the lease.
- (4) Where any private land is leased to the Board pursuant to this section, the Board shall, subject to the terms and conditions of the lease, have the powers in respect of the land that it would have if the land were Crown land.

Section 40A: inserted, on 21 November 1977, by section 4(1) of the Land Amendment Act 1977 (1977 No 51).

41 Trust lands may be sold to Crown

- (1) Where land is vested in trustees without power of sale the trustees may, notwithstanding anything to the contrary in the instrument containing the trust, agree to the sale or exchange of the land under section 40 as if the said trustees were beneficial owners of the land with power of sale, and may execute all valid instruments of assurance for the purpose of vesting the land in Her Majesty.
- (2) Land purchased by Her Majesty under section 40 shall be deemed to be discharged from the trusts theretofore affecting it.
- (3) All moneys received by the trustees in respect of the sale of the land, and all Crown land vested in them 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 sold 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 High Court to vary or modify the trusts in any case where that jurisdiction would have existed if the land had remained vested in the trustees.
- (4) Nothing in this section shall authorise the sale or exchange of any land held in trust for persons of the Maori race.

Compare: 1925 No 15 s 104

Section 41(3) proviso: amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

41A State housing land may be declared to be Crown land or set apart as reserves

The Minister of Lands may from time to time, by notice in the *Gazette*, declare any land set apart for the purposes of Part 1 of the Housing Act 1955 to be Crown land subject to this Act as from a date to be specified in the notice,

which date may be the date of the notice or any date before or after the date of the notice, and as from the date so specified the land shall be deemed to be Crown land subject to this Act.

Section 41A: inserted (with effect on 1 April 1954), on 28 September 1954, by section 2(1) of the Land Amendment Act 1954 (1954 No 37).

Section 41A: amended, on 1 April 1988, pursuant to section 3(2) of the Ministry of Works and Development Abolition Act 1988 (1988 No 42).

Section 41A: amended, on 21 October 1955, pursuant to section 42(1) of the Housing Act 1955 (1955 No 51).

42 Cancellation of instruments of title

(1) Where—

- (a) any private land purchased or acquired by the Board under this Act; or
- (b) any land acquired by the Crown under section 85 of the Maori Reserved Land Act 1955 or the corresponding provisions of any former Maori Townships Act (whether before or after the commencement of this Act); or
- (c) any land declared to be Crown land under section 41A; or
- (d) any land set apart as a reserve under subsection (1A) of section 167—

comprises the whole of the land for which any instrument of title has been issued under the Land Transfer Act 2017, the instrument of title shall be cancelled.

(2) Where before the commencement of this Act any private land or Maori land has been purchased or acquired by the Crown for the purposes of any former Land Act and is subject to the Land Transfer Act 2017 or to the Deeds Registration Act 1908,—

- (a) in the case of land that is, or was at the date of the purchase or acquisition, subject to the Land Transfer Act 2017 or any former Land Transfer Act, the Registrar-General of Land shall, on the written request of the Commissioner and on the surrender to the Registrar of any outstanding instrument of title in the name of the Crown, cancel the instrument of title:
- (b) in the case of land that is, or was at the date of the purchase or acquisition, subject to the Deeds Registration Act 1908, the Registrar of Deeds shall, on the written request of the Commissioner and on the surrender to the Registrar of the instrument of title by which the land was vested in the Crown and any earlier instruments of title affecting that land, cancel the instruments of title and the relative entries in the index book.

(3) Where any such land comprises part of the land for which any instrument of title has been issued, the instrument of title shall be cancelled so far as it relates to that part of the land. The Registrar-General of Land shall retain the partially cancelled instrument, and when required by the person entitled thereto shall

issue to that person, without payment of any fee, a record of title for the balance of the land included in the partially cancelled instrument.

- (4) Notwithstanding anything in the foregoing provisions of this section, where the land is subject to a lease current at the date of the purchase or acquisition or declaration as Crown land or setting apart as a reserve, as the case may be, or at the commencement of this section, whichever is the later, the record of title shall enure in the name of Her Majesty the Queen until the expiry or sooner determination of the lease, and shall then be cancelled or partially cancelled, as the case may be.
- (5) No such cancellation shall in any way affect the rights of any person entitled to any registered easement not acquired by the Crown.
- (6) The foregoing provisions of this section shall not apply in respect of any private land leased by the Board pursuant to section 40A.

Section 42: replaced, on 28 September 1954, by section 3(1) of the Land Amendment Act 1954 (1954 No 37).

Section 42(1): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 42(1)(b): amended, on 1 January 1956, pursuant to section 93(1) of the Maori Reserved Land Act 1955 (1955 No 38).

Section 42(2): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 42(2)(a): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 42(3): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 42(4): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 42(6): inserted, on 21 November 1977, by section 4(3) of the Land Amendment Act 1977 (1977 No 51).

43 Unformed and unused roads

- (1) In any case where any unformed and unused road intersects or is adjacent to any private land or interest in Crown land purchased under this Part and is not suitable to the subdivision of the land, the Governor-General may, by notification in the *Gazette*, close such road or portion thereof and declare the land comprised therein to be Crown land subject to this Act.
- (2) No road or portion thereof adjacent to any land purchased under this Part shall be closed under the last preceding subsection without the prior consent in writing of the owners of all lands having a frontage to the portion of the road intended to be closed.

Compare: 1925 No 15 s 106

*Development of Crown land***44 Preparing Crown land for settlement**

- (1) For the purpose of preparing any Crown land for settlement, the Board, with the approval of the Minister, may undertake and carry out such development works as it thinks fit, including, but without limiting the generality of the foregoing provisions, the survey, roading, subdivision, draining, reclamation, fencing, clearing, and grassing of the land, the erection of buildings, the provision of electric power and water, and any other works calculated to improve the quality or condition of the land or to make it fit for settlement under this Act.
- (2) For the purposes mentioned in the last preceding subsection, the Board may from time to time purchase or otherwise acquire all such livestock, chattels, machinery, equipment, manures, seeds, fencing material, stores, and other materials or things as may in its opinion be required for the proper development of the land.
- (3) The Board may from time to time as it thinks fit sell any of the livestock or other things purchased or acquired pursuant to the last preceding subsection, or any livestock, crops, produce, or other things produced on or from the said land.
- (4) The Board may carry on all usual farming activities on land developed or being developed under this section until the time is appropriate in the opinion of the Board for the disposal of the land on permanent tenure under this Act; and to this end, in addition to the powers set forth in the last 3 preceding subsections, may employ such managers, sharemilkers, and workmen, let any grazing, and generally enter into such contracts and do such things as in the opinion of the Board are necessary for the proper farming of the land.
- (5) Where the Board, in the exercise of its powers under this section, has carried out any soil conservation work on Crown land without any grant or loan made by the Minister for the Environment pursuant to the provisions of section 30 of the Soil Conservation and Rivers Control Act 1941, then, notwithstanding any provision of this Act or any other Act, the Board may, as a condition of alienation of the land, require any purchaser, lessee, or licensee to enter into a land improvement agreement, as if the soil conservation work had been carried out by a grant or loan by the Minister for the Environment under the said section 30, with the Catchment Board or Catchment Commission constituted under the Soil Conservation and Rivers Control Act 1941 for the district or area, as the case may be, wherein the land is situated, or with the Waikato Catchment Board constituted under the Waikato Valley Authority Act 1956 where the land is situated in the Waikato Valley as defined under that Act, for the future maintenance of that soil conservation work in such manner and upon such terms and conditions as the Board may require. All the provisions of section 30A of the Soil Conservation and Rivers Control Act 1941 relating to the form of registration and the effect of land improvement agreements, as far as they are applic-

able and with any necessary modifications, shall apply to any land improvement agreement entered into in accordance with the provisions of this subsection.

Compare: 1925 No 15 s 79; 1929 No 8 ss 6, 13

Section 44(5): inserted, on 8 December 1971, by section 2 of the Land Amendment Act 1971 (1971 No 105).

Section 44(5): amended, on 1 April 1988, pursuant to section 41(3) of the Soil Conservation and Rivers Control Amendment Act 1988 (1988 No 48).

Section 44(5): amended, on 1 April 1988, pursuant to section 52(1) of the Soil Conservation and Rivers Control Amendment Act 1988 (1988 No 48).

45 Joint preparation of land for settlement

The Board may, with the approval of the Minister, construct or join with any person or local authority or department of State in constructing roads, bridges, drainage works, river protection works, and other works upon or in respect of Crown land for the purpose of preparing it for settlement as provided in subsection (1) of the last preceding section, or for its protection from injury from floods, river encroachment, or otherwise; or may arrange for the work to be undertaken by that person or local authority or department of State upon such terms and conditions as may be agreed upon.

Compare: 1925 No 15 s 77

46 Board may enter into arrangements with trustees of certain institutions to prepare land for settlement

In exercise of the powers conferred by subsection (1) of section 44, the Board with the approval of the Minister, may enter into such arrangements as it thinks fit with the trustees of any institution or with any other authority actively concerned in the training of youths for the business of farming in any of its branches, whereby the whole or any defined portion of the work required to be done in order to prepare lands for settlement will be undertaken by that institution or authority.

Compare: 1930 No 35 s 9

47 Local body endowments may be prepared for settlement

- (1) The Board, with the approval of the Minister, and any local authority may enter into an agreement whereby any land vested in the local authority as an endowment may be made available for disposal in accordance with this section for any period specified in the agreement.
- (2) Any such agreement may authorise the Board to undertake and carry out such development works as it thinks fit, including, but without limiting the generality of the foregoing provisions, the survey, roading, subdivision, draining, reclamation, fencing, clearing, and grassing of the land, the erection of buildings, the provision of electric power and water, and any other works calculated to

improve the quality or condition of the land or to make it fit for settlement. Any such agreement may provide for—

- (a) the payment by the Crown to the local authority of such rent as may be agreed upon:
 - (b) the disposal of land by way of lease to persons qualified to receive leases of Crown land subject to this Act, every such lease to be in such form, for such term (with or without a right of renewal), and subject to such conditions as may be prescribed by regulations made under this Act, including, if the Board thinks fit, a condition that the value of the improvements effected by the Crown to the land comprised in the lease, as fixed by the Board at the commencement of the lease, together with interest thereon at a rate to be specified in the lease, as fixed by the Minister of Finance, be paid by the lessee to the Crown by instalments of principal and interest spread over such period as may be prescribed:
 - (c) the reimbursement to the Crown by the local authority, at the expiration of the term of the agreement, or at any earlier date specified therein, of the moneys expended by the Crown for the purpose of improving the land, together with interest thereon at a rate to be specified in the agreement, as fixed by the Minister of Finance, or so much of such moneys and interest as has not for the time being been recovered by the Crown from the local authority or from the lessee.
- (3) Where the value of the improvements effected by the Crown under this section to the land comprised in any lease granted under the foregoing provisions of this section has been paid to the Crown by the lessee, or where the amount expended in effecting those improvements has been reimbursed by the local authority, the Minister may cancel the lease and require the local authority to grant to the lessee in lieu thereof a new lease of the land at such rent, for such term, and upon such conditions (not inconsistent with the local authority's powers in that behalf) as may be determined by agreement with the parties or, in default of agreement, by the Land Valuation Tribunal. In every such case all improvements the value of which has been paid to the Crown by the lessee shall be deemed to have been effected by the lessee and to belong to him.
 - (4) Upon the granting by the local authority of any such new lease the land comprised therein shall cease to be subject to the agreement with the Board, and the rent payable by the Crown to the local authority under the agreement shall be reduced accordingly by an amount to be agreed upon or, in default of agreement, to be determined by the Controller and Auditor-General.
 - (5) No lease granted under this section, whether by the Board or by the local authority, shall confer on the lessee any right of acquiring the fee simple of the land comprised therein.

- (6) For the purposes of this section, the expression **local authority** includes any public entity as defined in section 4 of the Public Audit Act 2001.

Compare: 1933 No 44 s 2

Section 47(3): amended, on 1 September 1977, by section 6(3) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 47(6): replaced, on 1 July 2001, by section 53 of the Public Audit Act 2001 (2001 No 10).

48 Land held for government purpose may be developed or farmed or let on short tenancy

- (1) The authority conferred on the Board by sections 44, 45, and 46 for the development and farming of any Crown land and by section 60 as to the granting or reservation of rights of way, water rights, or other easements over Crown land shall extend and apply to any land purchased, acquired, set apart, or held by the Crown for any government purpose and not for the time being required for that purpose.
- (2) Where any land purchased, acquired, set apart, or held by the Crown for any government purpose is not for the time being required for that purpose, the Board may, subject to the provisions of subsection (3), grant a lease or licence of that land for such term, at such rent, and on such conditions as the Board in each case determines:
- provided that no lease or licence granted under this subsection shall confer on the lessee or licensee the right of acquiring the fee simple of the land.
- (3) No development or farming of any such land shall be undertaken and no lease or licence over the same shall be granted without the consent of the Minister for the time being vested with the control of the land and every such lease or licence shall be on such terms and conditions as that Minister approves.
- (4) Every lease or licence granted under this section shall be drawn up and executed in the manner provided by Part 5 as if the land were Crown land, but it shall not be necessary to register any such lease or licence under the Land Transfer Act 2017, unless the Board in any case otherwise determines.
- (5) The Registrar-General of Land shall, if the lease or licence is produced to him for registration, register it in the manner provided in Part 5 as if the land were Crown land, and likewise shall register all subsequent dealings with the lease or licence and all such subsequent dealings shall be subject to the provisions of Part 5. Where the Crown is the registered owner under a record of title under the Land Transfer Act 2017 of the whole or part of the land in any lease or licence under this section, the lease or licence shall contain a reference to every record of title issued in respect of any land therein, and the Registrar-General of Land shall enter a memorial of the lease or licence and of all subsequent dealings with the lease or licence on every such record of title.
- (6) The provisions of section 85 as to rebates on payments shall not apply to any lease or licence granted under this section, unless the Board in any case otherwise determines.

Section 48(1): amended, on 5 December 1951, by section 3(1) of the Land Amendment Act 1951 (1951 No 60).

Section 48(2): replaced, on 1 December 1950, by section 4(1) of the Land Amendment Act 1950 (1950 No 96).

Section 48(3): amended, on 1 December 1950, by section 4(2)(a) of the Land Amendment Act 1950 (1950 No 96).

Section 48(3): amended, on 1 December 1950, by section 4(2)(b) of the Land Amendment Act 1950 (1950 No 96).

Section 48(4): inserted, on 5 December 1951, by section 3(2) of the Land Amendment Act 1951 (1951 No 60).

Section 48(4): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 48(5): inserted, on 5 December 1951, by section 3(2) of the Land Amendment Act 1951 (1951 No 60).

Section 48(5): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 48(5): amended, on 1 January 1953, pursuant to section 245(1) of the Land Transfer Act 1952 (1952 No 52).

Section 48(6): inserted, on 5 December 1951, by section 3(2) of the Land Amendment Act 1951 (1951 No 60).

49 Development and disposal of timber, flax, and minerals

- (1) Where any timber or flax is growing on any Crown land, or where any Crown land contains deposits of any minerals, the Board, with the approval of the Minister, may do such work as it thinks fit, including, but without limiting the generality of the foregoing provisions, the erection of buildings, the construction of roads, bridges, and railways, and the installation of machinery and electric power, and may enter into such contracts and agreements as it may consider necessary for the proper development, working, extraction, use, and disposal of the timber, flax, or deposits, to the best advantage. Any contract or agreement entered into under this section shall be for such term and subject to such conditions, including the payment of royalty, as the Board, with the approval of the Minister, may consider necessary.
- (2) The powers conferred on the Board under this section shall extend to any deposits which are under the surface of the land, notwithstanding that the surface of the land may have been alienated on any tenure under this Act; but any work undertaken, or contracts or agreements entered into, shall be subject to the provisions of subsection (2) of section 59 relating to the payment of compensation for damage to improvements existing on the land.
- (3) The powers conferred by this section are in addition to the powers conferred by Part 11.

Compare: 1925 No 15 ss 76(c), 78

50 Water supplies

[Repealed]

Section 50: repealed, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

50A Community water supply associations

- (1) Any 2 or more persons, being occupiers of land situated within a water area, may, by complying with the provisions of the Companies Act 1993, as modified by this Act, form an incorporated association with limited liability under the name of “The [*distinctive name of association*] Community Water Supply Association Limited”.
- (2) Every association shall be registered in the manner provided by the Companies Act 1993 for the registration of companies and, subject to this section and the next 3 succeeding sections, shall be deemed to be a company incorporated under that Act having the liability of its shareholders limited as provided in section 97 of that Act, and the provisions of that Act shall apply accordingly.
- (3) The constitution of every association shall be in a form prescribed by the Governor-General by Order in Council, and the association may not alter or add to its constitution without the prior consent of the Board.
- (4) Notwithstanding section 16 of the Companies Act 1993, the capacity of the association shall be restricted to—
 - (a) the construction and operation of a community water supply scheme:
 - (b) acquiring from the Board under subsection (7) of section 50 any waterworks constructed or purchased by the Board:
 - (c) adding to, maintaining, and replacing, in whole or in part, any community water supply scheme:
 - (d) borrowing money for the purpose of constructing, purchasing, adding to, or replacing, in whole or in part, any community water supply scheme, and for that purpose to give such security over the whole or any part of its assets, including uncalled shares, as the association from time to time by resolution determines:
 - (e) supplying water to its members and to other persons on such conditions and subject to payment of such charges as the association from time to time by resolution determines:
 - (f) doing all such acts, matters, and things as may be necessary or expedient for carrying into effect all or any of the matters specified in the foregoing provisions of this subsection.
- (4A) For the purposes of subsection (4), the association shall have full rights, powers, and privileges.
- (5) Every association shall, for the purposes of section 50, be deemed to be an association comprised of or acting on behalf of the owners, lessees, and licen-

sees of land in the water area, and shall have, in respect of the waterworks comprised in the community water supply scheme (whether constructed by the association or purchased by it), the powers conferred on the Board by subsections (3), (4), and (5) of that section as if references in those subsections to the Board were references to the association.

- (6) An association may from time to time invest any of its funds in any securities that are for the time being authorised by law for the investment of trust funds, or in such other securities as the Board from time to time approves.

- (7) In this section and in the next 5 succeeding sections,—

association means a community water supply association constituted under this section

community water supply scheme means a scheme for the supply of water for irrigation or for household or farming purposes to land situated in a water area; and includes all waterworks forming part of the scheme

member means a person to whom shares in an association have been issued or transferred; and includes—

- (a) the personal representative of a deceased member:
- (b) the assignee in bankruptcy of a member:
- (c) in the case of a mentally disordered person within the meaning of the Mental Health (Compulsory Assessment and Treatment) Act 1992, being a patient within the meaning of that Act, Public Trust or, as the case may be, the manager of his estate:
- (d) in the case of a member in respect of whom a property order is in force under the Protection of Personal and Property Rights Act 1988, the manager of his estate:
- (e) in the case of a member being a company which is being wound up, the liquidator of the company

occupier, in relation to any Crown land, means the lessee or licensee, and, in relation to any other land, means the owner in fee simple or, where that other land is for the time being held on lease perpetually renewable, the lessee

water area means any land declared as such under subsection (6) of section 50

waterworks has the same meaning as in section 50.

- (8) The provisions of this section (as in force before the commencement of the Company Law Reform (Transitional Provisions) Act 1994) shall continue to apply in relation to every association constituted before the commencement of that Act.
- (9) An order under subsection (3) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 50A: inserted, on 26 November 1953, by section 3 of the Land Amendment Act 1953 (1953 No 67).

Section 50A(1): replaced, on 1 July 1994, by section 2 of the Company Law Reform (Transitional Provisions) Act 1994 (1994 No 16).

Section 50A(2): replaced, on 1 July 1994, by section 2 of the Company Law Reform (Transitional Provisions) Act 1994 (1994 No 16).

Section 50A(3): replaced, on 1 July 1994, by section 2 of the Company Law Reform (Transitional Provisions) Act 1994 (1994 No 16).

Section 50A(4): replaced, on 1 July 1994, by section 2 of the Company Law Reform (Transitional Provisions) Act 1994 (1994 No 16).

Section 50A(4A): inserted, on 1 July 1994, by section 2 of the Company Law Reform (Transitional Provisions) Act 1994 (1994 No 16).

Section 50A(7) **member**: amended, on 1 July 1994, by section 2 of the Company Law Reform (Transitional Provisions) Act 1994 (1994 No 16).

Section 50A(7) **member** paragraph (c): amended, on 1 March 2002, by section 170(1) of the Public Trust Act 2001 (2001 No 100).

Section 50A(7) **member** paragraph (c): amended, on 1 November 1992, pursuant to section 137(1) of the Mental Health (Compulsory Assessment and Treatment) Act 1992 (1992 No 46).

Section 50A(7) **member** paragraph (c): amended, on 1 April 1970, pursuant to section 129(4) of the Mental Health Act 1969 (1969 No 16).

Section 50A(7) **member** paragraph (c): amended, on 1 April 1970, pursuant to section 129(7) of the Mental Health Act 1969 (1969 No 16).

Section 50A(7) **member** paragraph (d): amended, on 1 October 1988, pursuant to section 117(3) of the Protection of Personal and Property Rights Act 1988 (1988 No 4).

Section 50A(8): inserted, on 1 July 1994, by section 2 of the Company Law Reform (Transitional Provisions) Act 1994 (1994 No 16).

Section 50A(9): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

50B Share capital of associations

- (1) Subject to the constitution of the association, the association shall issue shares in such numbers and classes as the Board may determine having regard to the value of and benefit to the water area of the community water scheme.
- (1A) The number of shares to be issued to each member shall be determined by the Board, having regard to the benefit likely to be derived by his or her land from the scheme.
- (1B) Every decision of the Board under subsections (1) and (1A) shall be final, and shall be binding on the association and its members.
- (2) No share certificate shall be issued in respect of shares in an association.

- (3) Calls may be made upon the members of an association in respect of any money unpaid on their shares for expenditure for the following purposes only:
 - (a) preliminary expenses in the formation and registration of the association:
 - (b) capital works in respect of the community water supply scheme and additions to and replacement of the whole or any part of the scheme:
 - (c) discharging liabilities arising under a mortgage or debenture given by the association:
 - (d) discharging liabilities on the winding up of the association.
- (4) No member shall sell or otherwise dispose of his shares except to a person who also purchases or otherwise acquires the whole or part of the interest of the member in land within the water area.
- (5) Where a member sells or otherwise disposes of the whole or part of his interest in land within the water area, he shall also transfer to the purchaser or transferee his shares in the association or, where only part of his interest in the land is sold or disposed of, such proportion of his shares as the Board determines.
- (6) Where any member fails to comply with the provisions of subsection (5) within a period of 3 months after the sale or disposal of his interest in the land or, in any case where only part of his interest in the land is sold or disposed of, within 3 months after the determination of the Board under that subsection is communicated to him, the shares which he is required by that subsection to transfer to the purchaser or transferee shall, at the expiration of that period be deemed to have been surrendered to the association and shall be reissued by the association to the purchaser or transferee as if they had not been previously issued.
- (7) For the purposes of this section, a member shall be deemed to have sold or disposed of his land or part thereof if he enters into a binding agreement to sell or dispose of the land or part thereof.
- (8) A member shall not mortgage, charge, or otherwise encumber his shares.

Section 50B: inserted, on 26 November 1953, by section 3 of the Land Amendment Act 1953 (1953 No 67).

Section 50B(1): replaced, on 1 July 1994, by section 2 of the Company Law Reform (Transitional Provisions) Act 1994 (1994 No 16).

Section 50B(1A): inserted, on 1 July 1994, by section 2 of the Company Law Reform (Transitional Provisions) Act 1994 (1994 No 16).

Section 50B(1B): inserted, on 1 July 1994, by section 2 of the Company Law Reform (Transitional Provisions) Act 1994 (1994 No 16).

50C Members to give security to association for uncalled capital and payment of levies

- (1) Every member shall, when called upon in writing by the association to do so, execute in favour of the association a registrable mortgage as a charge on his interest in the land in the water area to secure to the association the amount

from time to time unpaid on his shares and also all levies from time to time made upon him by the association under section 50. Every such mortgage shall be in a form approved by the Board and shall be subject to such terms and conditions as the Board approves, but shall not provide for the payment of interest except on the default by the mortgagor in the payment of any moneys secured by the mortgage.

- (2) Where any member fails to execute a registrable mortgage in favour of the association when called upon to do so under subsection (1), the association may refuse to supply water to the member until he executes such a mortgage.
- (3) Where the association exercises its power of sale under a mortgage given to it pursuant to subsection (1), the shares of the mortgagor in the association shall be deemed to have been surrendered to the association and shall be reissued by the association to the purchaser as if they had not been previously issued, or, where the association is the purchaser in exercise of its power of sale, shall be held by the association and shall be so reissued to the purchaser when the land is subsequently resold.
- (4) Where any other mortgagee of land of a member within a water area exercises his power of sale under the mortgage,—
 - (a) the shares of the member in the association, or, where the land forms a part of the land of the member within the water area, such proportion of his shares as the Board determines, shall be deemed to have been surrendered to the association, and shall be reissued to the purchaser as if they had not previously been issued:
 - (b) the association, in any case where the mortgage has priority over a mortgage to the association given to it pursuant to subsection (1), may refuse to supply water to the purchaser until he executes in favour of the association a registrable mortgage as a charge on his interest in the land securing to the association payment of the same amount as was secured at the date of the sale by the mortgage given to the association by the former mortgagor.
- (5) Where under this section the association reissues any shares deemed to have been surrendered to it, there shall be paid to the former owner of the shares from the proceeds (if any) received by the association on that reissue such amount as may be agreed upon between the association and the former owner, or in default of agreement, such amount (if any) as the Board determines.

Section 50C: inserted, on 26 November 1953, by section 3 of the Land Amendment Act 1953 (1953 No 67).

Section 50C(1): amended, on 1 December 1961, by section 3(2)(a) of the Land Amendment Act 1961 (1961 No 86).

50D Right of shareholder to withdraw from association

- (1) A member may, with the consent of the association, withdraw from membership of an association upon payment to the association of the amount for the time being secured by any mortgage given by him to the association.
- (2) Where a member withdraws from membership of an association,—
 - (a) any moneys paid by him to the association under subsection (1) in respect of uncalled capital may be applied only for the purposes specified in subsection (3) of section 50B:
 - (b) his shares shall be deemed to have been surrendered to the association and may be reissued by the association to any occupier of land in the water area as if they had not been previously issued.

Section 50D: inserted, on 26 November 1953, by section 3 of the Land Amendment Act 1953 (1953 No 67).

50E Board may make advances to associations

Advances and readvances to any association may from time to time be made out of a Crown Bank Account from moneys appropriated by Parliament for the purpose or such of the purposes of the association as the Board approves, and upon such security for repayment of the advances and readvances, either by debenture over the assets of the association or otherwise, as the Board thinks fit, and at such rate of interest as the Minister of Finance determines.

Section 50E: inserted, on 26 November 1953, by section 3 of the Land Amendment Act 1953 (1953 No 67).

Section 50E: amended, on 25 January 2005, pursuant to section 83(7) of the Public Finance Act 1989 (1989 No 44).

50F Associations to supply water to members

- (1) Subject to the provisions of subsection (2) and paragraph (b) of subsection (4) of section 50C, every association shall, having regard to the total amount of water at its disposal, supply to every member such amount of water as he may reasonably require for irrigation or for household or farming purposes on his land in the water area.
- (2) Where any dispute arises between any member (being a lessee or licensee of Crown land) and the association as to the amount of water to which the member is entitled under subsection (1), or as to whether the association is supplying to such a member the amount of water to which he is so entitled, the dispute shall be referred to the Land Settlement Board, whose decision thereon shall be final and binding on the member and the association.
- (3) The procedure to be adopted by the Land Settlement Board in hearing and determining any dispute referred to it under subsection (2) shall be as prescribed by regulations made under this Act or, where there are no such regulations or in so far as the regulations do not extend, as the Board determines.

- (4) In this section the term **member** includes the mortgagee in possession of the land of a member or the lessor or licensor who is in possession of the land of a member in exercise of any right of forfeiture or re-entry in any lease or licence.

Section 50F: inserted, on 26 November 1953, by section 3 of the Land Amendment Act 1953 (1953 No 67).

Part 4

Classification and alienation of Crown land

51 Classification of Crown land

- (1) All Crown land available for disposal under this Act may be classified by the Board into—
- (a) farm land, being land suitable or adaptable for any type of farming;
 - (b) urban land, being land suitable or adaptable for residential purposes, and being in or in the vicinity of any urban area of a district of a territorial authority or proposed urban area of such a district;
 - (c) commercial or industrial land, being land suitable or adaptable for use for any commercial or industrial purpose.
 - (d) *[Repealed]*
- (2) The Board may also classify under the last preceding subsection any Crown land which is held on lease or licence at the commencement of this Act and has not already been classified.
- (3) The Commissioner may classify again under subsection (1) any land (other than pastoral land) that has at any time been classified under that subsection or a corresponding provision of a former Land Act, whether or not the land is at the time let on any lease or licence.

Compare: 1924 No 31 s 127

Section 51(1)(b): amended, on 1 April 1980, by section 8(3) of the Local Government Amendment Act 1979 (1979 No 59).

Section 51(1)(d): repealed, on 23 June 1998, by section 104 of the Crown Pastoral Land Act 1998 (1998 No 65).

Section 51(3): replaced, on 23 June 1998, by section 102 of the Crown Pastoral Land Act 1998 (1998 No 65).

52 Board may alienate Crown land

- (1) The Board may alienate Crown land on any tenure under this Act either after calling for applications therefor or without competition in accordance with the provisions of this Act.
- (2) In addition to the powers conferred by the last preceding subsection, the Board may offer any land for acquisition under this Act by public auction at an upset price or rental value or by public tender at a minimum price or rental value.

- (3) The Board shall not give less than 1 month's public notice of any offering of land under the last preceding subsection, and shall specify in the notice the time and place at which the auction is intended to be held or, as the case may be, the time and place for the lodging of tenders:
provided that in special circumstances the Board may reduce the time to not less than 10 days.
- (4) *[Repealed]*
- (5) The Board may refuse to accept any bid or tender for any reason for which it may refuse or reject any application under section 75 or section 175.
- (6) Subject to the provisions of this section, every alienation by public auction or public tender under this section shall be subject to such conditions as the Board may prescribe.
- (7) Land which has been offered for sale or lease by public auction or public tender under this section and which has not been disposed of on the day of the auction or the closing of tenders shall, subject to the next succeeding subsection, remain open for acquisition at the upset or minimum price or rental value.
- (8) Any offering of land which has been notified as open for acquisition under this section may at any time be withdrawn by the Board or the Commissioner, notwithstanding that bids or tenders have been received under subsection (2) or that application to acquire the land has been made under the last preceding subsection.

Section 52(2): inserted, on 1 December 1950, by section 5(1) of the Land Amendment Act 1950 (1950 No 96).

Section 52(2): amended, on 19 October 1965, by section 6 of the Land Amendment Act 1965 (1965 No 48).

Section 52(3): inserted, on 1 December 1950, by section 5(1) of the Land Amendment Act 1950 (1950 No 96).

Section 52(4): repealed, on 18 December 2013, by section 27 of the Auctioneers Act 2013 (2013 No 148).

Section 52(5): inserted, on 1 December 1950, by section 5(1) of the Land Amendment Act 1950 (1950 No 96).

Section 52(6): inserted, on 1 December 1950, by section 5(1) of the Land Amendment Act 1950 (1950 No 96).

Section 52(7): inserted, on 1 December 1950, by section 5(1) of the Land Amendment Act 1950 (1950 No 96).

Section 52(8): inserted, on 1 December 1950, by section 5(1) of the Land Amendment Act 1950 (1950 No 96).

53 Board may call for public applications for Crown land

- (1) The Board may by public notice call for applications for any Crown land available for alienation under this Act.
- (2) The notice shall specify the price or rental value or yearly rent at which the land and any improvements thereon may be acquired, and the time and place for the making of applications.

- (3) The time within which applications may be made shall be not less than 1 month from the date when the land is first notified as being open for acquisition:
provided that in special circumstances the Board may reduce the time to not less than 10 days.
- (4) All land which has been notified as open for acquisition under this section and which has not been disposed of on the day mentioned in the notice shall remain open for acquisition on the terms advertised:
provided that the Board may, without notice, vary such terms from time to time by increasing the price or rental value or yearly rent.
- (5) Any land which has been notified as open for acquisition under this section may at any time be withdrawn by the Board or the Commissioner, notwithstanding that application to acquire the land may have been made.

Compare: 1924 No 31 ss 70, 155, 156, 176, 177

Section 53(4) proviso: inserted, on 1 January 1969, by section 2 of the Land Amendment Act 1968 (1968 No 50).

54 Allotment of land without competition

- (1) The Board may alienate any Crown land without public notice under the last preceding section and without competition, either by way of sale, or lease, or licence, at such price or rent and subject to such terms and conditions as the Board may determine, in any of the following cases:
- (a) where the applicant is a serviceman or discharged serviceman, or the wife or widow or civil union partner or surviving civil union partner of a serviceman or of a discharged serviceman:
 - (b) where the land already owned, leased, or held by the applicant is insufficient in the opinion of the Board for the maintenance of himself and his family, or where the Crown land is required to provide a homestead site, or an adequate water supply, or for any similar purpose:
 - (c) where the Crown land is without a convenient way of access, or lies between land already alienated and a road which forms or should form the way of approach to the alienated land:
 - (d) where the Crown land is insufficient in area for public sale or lease, or is for any other reason suitable only for use in conjunction with other land:
 - (e) where the Crown land is required for a charitable, religious, or educational purpose, or for any purpose which in the opinion of the Board makes the alienation desirable in the public interest, or in the interest of the inhabitants of any particular locality:
 - (f) where because of the special circumstances of the applicant and the hardship which would be caused to him by the calling of public applications it would be equitable to allot him the land without competition.

- (2) Before approving any application under this section, the Board may require the applicant to advertise his application in some newspaper or newspapers circulating in the locality; and it may also require him to serve notice of his application on the owner, lessee, licensee, or occupier of any land adjacent to the Crown land applied for.
- (3) Where any land is disposed of by way of lease or licence under this section to an applicant who already holds land under lease or licence from the Crown, the Board may, in lieu of issuing a lease or licence over the additional land, incorporate it in his existing lease or licence, subject to such increase in the price or rental value or rent as the Board may determine, but otherwise subject to the same terms and conditions as apply to the existing lease or licence. In this subsection the expression **lease or licence from the Crown** includes a lease, registered under the Land Transfer Act 2017 and current at the date when the land first became Crown land subject to this Act, of land of which Her Majesty the Queen is the registered owner under a record of title under the Land Transfer Act 2017.

(4) *[Repealed]*

Compare: 1924 No 31 ss 128, 144, 145, 146, 148, 149, 158; 1925 No 15 ss 72, 73; 1939 No 35 s 5; 1944 No 34 s 5; 1946 No 40 s 44

Section 54(1)(a): amended, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Section 54(3): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 54(3): amended, on 26 November 1953, by section 5(1) of the Land Amendment Act 1953 (1953 No 67).

Section 54(3): amended, on 22 October 1952, by section 2(a) of the Land Amendment Act 1952 (1952 No 46).

Section 54(3): amended, on 22 October 1952, by section 2(b) of the Land Amendment Act 1952 (1952 No 46).

Section 54(4): repealed, on 22 October 1952, by section 2(c) of the Land Amendment Act 1952 (1952 No 46).

55 Crown land in mining districts

[Repealed]

Section 55: repealed, on 1 April 1973, by section 245 of the Mining Act 1971 (1971 No 25).

56 Improvements belonging to the Crown

- (1) Where on any Crown land to be disposed of under this Act there are improvements belonging to the Crown, the Board may in its discretion determine that the value, as fixed by the Board, of those improvements, or any of them, shall be purchased by the lessee or licensee as hereinafter provided, or that the lessee or licensee shall pay interest on the value as fixed by the Board of those improvements or any of them at such rate as may be fixed by the Minister of Finance in the same manner as rent. Any such interest shall for the purposes of this Act be deemed to be rent payable under the lease or licence, and the value

of any improvements on which interest is so payable shall, in the case of land held on renewable lease under this Act, be deemed to form part of the rental value of the land.

- (2) Where the Board determines that any improvements are to be purchased by the lessee or licensee, the amount of the value of the improvements shall be deemed to have been advanced to the lessee or licensee by the Board, and shall be secured and made repayable in such manner and subject to such terms and conditions as the Board may determine, together with interest thereon at such rate as may be fixed by the Minister of Finance.

Compare: 1925 No 15 s 61

Section 56(1): amended, on 1 January 1969, by section 3(1) of the Land Amendment Act 1968 (1968 No 50).

57 Lands not immediately productive or profitable

- (1) In order to facilitate the settlement of any farm land or pastoral land which in the opinion of the Board is not likely to be immediately productive or profitable, the Board may determine that on the disposal of the land by way of lease or licence under this Act it shall be exempt from the payment of rent or interest, either wholly or in part, for such period not exceeding 10 years as the Board determines.
- (2) Any such exemption may be conditional on the lessee or licensee effecting improvements in addition to those ordinarily required under this Act or be subject to such other conditions as the Board may determine.

Compare: 1924 No 31 s 214; 1927 No 21 s 7

Section 57(1): amended, on 5 December 1951, by section 4 of the Land Amendment Act 1951 (1951 No 60).

58 Land reserved from sale

[Repealed]

Section 58: repealed, on 10 April 1990, by section 37 of the Conservation Law Reform Act 1990 (1990 No 31).

59 Minerals reserved to the Crown

[Repealed]

Section 59: repealed, on 1 April 1973, by section 245 of the Mining Act 1971 (1971 No 25).

60 Creation of easements

- (1) The Commissioner may from time to time grant or reserve any right of way, or other easements over or under any Crown land:
provided that where that Crown land is held under lease or licence the lessee or licensee shall be entitled to compensation for any reduction in the value of his lease or licence by reason of the grant of any such easement.
- (2) *[Repealed]*

- (3) Any grant or reservation of a right of way, or other easement under this section may be subject to such conditions, restrictions, and covenants as the Commissioner determines.
- (4) Every instrument granting, pursuant to this section, an easement over any Crown land not held under lease or licence may be registered with the Registrar-General of Land in the same manner, with the necessary modifications, as any lease or licence of Crown land under this Act. Any such instrument granting an easement over Crown land held on lease or licence may be registered with the Registrar-General of Land in the same way as any dealing with that lease or licence.
- (5) When determining whether to grant an easement over or under pastoral land, the Commissioner may consider—
 - (a) whether the easement is reasonably necessary for achieving the objectives of the applicant; and
 - (b) if the application satisfies paragraph (a), the extent to which the application achieves the outcomes stated in section 4 of the Crown Pastoral Land Act 1998; and
 - (c) any other matters the Commissioner considers relevant.
- (5) *[Repealed]*
- (6) Before granting an easement over or under pastoral land, the Commissioner must consult the Director-General of Conservation.

Compare: 1924 No 31 s 157

Section 60(1): replaced, on 25 October 1956, by section 4(1) of the Land Amendment Act 1956 (1956 No 42).

Section 60(1): amended, on 17 November 2022, by section 22(1) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 60(1): amended, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

Section 60(2): repealed, on 25 October 1956, by section 4(1) of the Land Amendment Act 1956 (1956 No 42).

Section 60(3): amended, on 17 November 2022, by section 22(1) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 60(3): amended, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

Section 60(3): amended, on 25 October 1956, by section 4(2)(a) of the Land Amendment Act 1956 (1956 No 42).

Section 60(4): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 60(4): amended, on 25 October 1956, by section 4(2)(b) of the Land Amendment Act 1956 (1956 No 42).

Section 60(5): inserted, on 17 November 2022, by section 22(2) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 60(5): repealed, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 60(6): inserted, on 17 November 2022, by section 22(2) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

60AA Crown easements over Crown land

Despite any enactment or rule of law, the Commissioner may under section 60 create an easement to Her Majesty, in favour of any adjacent Crown land, over all or any part of any land (whether or not already held under lease or licence) that the Commissioner thinks—

- (a) likely to be disposed of; or
- (b) likely to become conservation area under the Conservation Act 1987; or
- (c) likely to become a reserve under the Reserves Act 1977.

Section 60AA: inserted, on 23 June 1998, by section 2 of the Land Amendment Act 1998 (1998 No 66).

60A Board may impose building line restrictions

[Repealed]

Section 60A: repealed, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

60B Pipeline easements

- (1) Where any easement granting or reserving a right to construct any pipeline over or through any land has been granted or reserved under section 60 and the Board is of the opinion that it is not practicable to show the true course of the pipeline, the position thereof shall be indicated as nearly as possible in the instrument granting or reserving the easement, and, until the contrary is proved, shall be deemed to be the true course.
- (2) Where it is subsequently ascertained that any pipeline the subject of the easement which was on the land at the time of the grant or reservation was not at that time on the line or lines so indicated, the grant or reservation shall apply with respect to the correct line upon which it is so ascertained that the pipeline was constructed, as if the correct line had been indicated in the instrument granting or reserving the easement, and all persons affected by the grant or reservation shall have the same rights, powers, and remedies and be subject to the same obligations as if the pipeline had been correctly indicated in the instrument granting or reserving the easement.
- (3) No action shall lie against the Crown under subpart 3 of Part 2 of the Land Transfer Act 2017 by reason of the fact that any pipeline in existence on the land at the time of the grant or reservation, if registered under that Act, was not on the line or lines indicated in the instrument making the grant or reservation.
- (4) In this section, the term **pipeline** means any pipes or system of pipes for the supply of water or for the disposal of storm water or sewage; and includes any septic tank, any drain, any well, and any water bore.

Section 60B: inserted, on 28 September 1954, by section 4 of the Land Amendment Act 1954 (1954 No 37).

Section 60B(3): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

61 Exchange of Crown and other land

- (1) The Board may, in any case where it considers it expedient in the public interest to do so, authorise the grant in fee simple of any area of Crown land in exchange for the fee simple of any other land, and on any such exchange the Board may pay or receive any sum by way of equality of exchange.
- (2) Any sum payable by the Crown under the last preceding subsection shall be paid out of moneys to be appropriated by Parliament for the purpose.
- (3) All land acquired by the Crown by way of exchange under this section shall become Crown land subject to the provisions of this Act.

Compare: 1924 No 31 s 160; 1925 No 15 s 74

Section 61(1): amended, on 19 October 1965, by section 10 of the Land Amendment Act 1965 (1965 No 48).

Tenures

62 Tenures on which land may be acquired

Crown land may be acquired under this Act on any of the following tenures, as the Board may generally or in any special case determine:

- (a) land, other than pastoral land, may be taken on renewable lease or purchased for cash or on deferred payments.
- (b) *[Repealed]*

Section 62: replaced, on 1 January 1969, by section 4(1) of the Land Amendment Act 1968 (1968 No 50).

Section 62(b): repealed, on 23 June 1998, by section 104 of the Crown Pastoral Land Act 1998 (1998 No 65).

63 Renewable lease

- (1) A renewable lease under this Act shall be a lease for a term of 33 years with a perpetual right of renewal for the same term, and, except where otherwise provided in this Act, with a right of acquiring the fee simple in accordance with the provisions of Part 7:

provided that no renewable lease under this Act of land comprised in a reserve or endowment vested in any corporate body or person and administered by the Board shall confer on the lessee the right of acquiring the fee simple.

- (2) The term of 33 years shall commence on the next 1 January or 1 July following the date of the lease, and there shall be added to the term the period between the date of the lease and the said day. In the case of a renewal lease, the term shall commence on 1 January or 1 July next following the determination of the former lease.

- (3) The yearly rent payable during the first term of a renewable lease shall be,—
- (a) for the first 11 years of the term, 4.5% of the rental value of the land as determined by the Board, or, where the land is disposed of at auction or by tender, as fixed in the contract:
 - (b) for the next 2 successive periods of 11 years of the term, at a rent determined in respect of each of those periods in the manner provided in section 132A.
- (4) The owner of a renewable lease shall have a right at the expiration of the said term of 33 years to a renewal of the said lease for a further term of 33 years, subject in all respects to the same conditions and provisions as the original lease, including the right of renewal, save that the rent shall be determined at the first and at each subsequent renewal and for the second and third periods of 11 years of the term of each renewal lease in the manner provided in Part 8.
- (5) Notwithstanding anything in the foregoing provisions of this section, where, after 1 November 1950 (being the date of the commencement of the Servicemen's Settlement Act 1950), a renewable lease of Crown land is granted to a serviceman or discharged serviceman who has been granted a loan to facilitate his settlement on the land by the Rehabilitation Board constituted under the Rehabilitation Act 1941, the rental value of the land shall be determined as if the Servicemen's Settlement and Land Sales Act 1943 had not been repealed, and the yearly rent shall be based on that rental value accordingly:
- provided that, where, in the case of any such lease granted at any time on or after 1 November 1950, the Board decides that on account of special circumstances, as to the existence of which the decision of the Board shall be final, it would be equitable that the rent be based on some other rental value, the rental value shall be determined by the Board at such amount as the Board considers equitable having regard to those circumstances:
- provided further that, unless in any case the Board otherwise determines,—
- (a) where the lessee transfers, subleases, or otherwise disposes of his interest to any person (not being a serviceman or a discharged serviceman who has been granted a loan by the Rehabilitation Board to facilitate his settlement on the land), the rental value and yearly rent as provided in the lease shall cease and determine on the date of the registration of the transfer, sublease, or other instrument of disposition, and a new rental value and yearly rent based on the current value of the land as at the commencement of the lease shall be determined by the Board, and shall take effect accordingly:
 - (b) where the lessee has entered into an agreement to transfer, sublease, or otherwise dispose of his interest to any person (not being such a serviceman or discharged serviceman) at a future date, the rental value and yearly rent as provided in the lease shall cease and determine on the date when that person enters into possession of the land pursuant to the agree-

ment, and a new rental value and yearly rent based upon the current value of the land as at the commencement of the lease shall be determined by the Board, and shall take effect accordingly:

provided also that on the death of the lessee the Board may, in its discretion, and subject to such conditions as the Board may prescribe, allow the lease to continue without any alteration in the rental value or yearly rent or may fix a new rental value or yearly rent as if the lease had been transferred at the date of the death of the lessee.

Compare: 1924 No 31 s 196; 1925 No 15 s 54; 1939 No 21 s 5

Section 63(3): replaced, on 1 January 1971, by section 2(1) of the Land Amendment Act 1970 (1970 No 122).

Section 63(4): amended, on 1 January 1971, by section 2(2) of the Land Amendment Act 1970 (1970 No 122).

Section 63(5): inserted, on 1 December 1950, by section 10 of the Land Amendment Act 1950 (1950 No 96).

Section 63(5) first proviso: inserted, on 5 December 1951, by section 5 of the Land Amendment Act 1951 (1951 No 60).

Section 63(5) second proviso: replaced, on 18 November 1964, by section 2 of the Land Amendment Act 1964 (1964 No 94).

64 Purchases for cash

- (1) Where land available for disposal under this Act is purchased for cash, the purchaser shall pay the balance of the purchase price (over and above the deposit required by this Act) within 1 month after the approval of the application or, in the case of land which requires to be surveyed, within 1 month after he has received notice from the Commissioner of the completion of the survey thereof.
- (2) Where the balance of the purchase price is not paid as provided in the last preceding subsection, the contract for the sale of the land may be cancelled by the Board, and thereupon, unless the Board otherwise determines, the deposit shall be deemed to be forfeited.

65 Purchases on deferred payments

- (1) Where land available for disposal under this Act is purchased on deferred payments, the purchaser shall on the approval of his application pay the deposit required by this Act, and shall thereupon be entitled to receive a deferred-payment licence in respect of the land.
- (2) The licence shall be for such period, not exceeding 30 years, as may be fixed by the Board, to commence on the next 1 January or 1 July following the date thereof.
- (3) The licence shall provide for the payment by half-yearly instalments of the balance of the purchase money, together with interest thereon from the date of the licence at such rate as may be fixed by the Minister of Finance.

- (4) Every such half-yearly instalment shall consist partly of purchase money and partly of interest. Except for any necessary adjustments arising from the review of the rate of interest under section 170B, those instalments shall be of equal amount, and shall be so computed as to ensure repayment of the balance of the purchase money and interest thereon within the term of years fixed by the Board.
- (5) The first half-yearly instalment of purchase money and interest shall be payable on 30 June or 31 December, as the case may be, next following the expiration of 6 months from the date of the licence, and the succeeding instalments shall be payable half-yearly in each year thereafter on the dates herein mentioned.
- (6) On 30 June or 31 December, as the case may be, next following the date of the licence there shall be paid by the licensee interest on the balance of the purchase money at the rate prescribed by or under subsection (3) from the date of the licence to the date of the commencement of the term thereof.
- (7) The licensee shall have the right at any time during the currency of his licence to pay off either the whole of the purchase money or any half-yearly instalment or instalments thereof then remaining unpaid.
- (8) The payment of any half-yearly instalment of the purchase money made under the last preceding subsection shall not affect the periodical continuity of half-yearly instalments, but the amount of purchase money and interest included in the succeeding instalments shall be computed in accordance with subsection (4) as if the half-yearly periods corresponding to the instalments so paid had expired, and the term during which instalments of purchase money and interest would otherwise have been payable shall be reduced accordingly.
- (9) Upon payment of the purchase money in full and of all interest thereon the purchase shall be deemed to be completed, and the licensee shall be entitled to a record of title in respect of the land purchased.

Compare: 1926 No 49 s 3

Section 65(3): amended, on 1 January 1969, by section 3(1) of the Land Amendment Act 1968 (1968 No 50).

Section 65(4): replaced, on 1 January 1969, by section 5(1) of the Land Amendment Act 1968 (1968 No 50).

Section 65(6): replaced, on 25 October 1956, by section 5 of the Land Amendment Act 1956 (1956 No 42).

Section 65(8): amended, on 1 January 1969, by section 5(2) of the Land Amendment Act 1968 (1968 No 50).

Section 65(9): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

66 Pastoral leases

[Repealed]

Section 66: repealed, on 23 June 1998, by section 104 of the Crown Pastoral Land Act 1998 (1998 No 65).

66AA Pastoral occupation licences

[Repealed]

Section 66AA: repealed, on 23 June 1998, by section 104 of the Crown Pastoral Land Act 1998 (1998 No 65).

66A Commercial recreation permit

- (1) Subject to the provisions of this section, the Commissioner may from time to time, either after calling public applications or without competition, grant to any person a commercial recreation permit authorising the use, or occupation and use, of any land comprised in a pastoral lease or pastoral occupation licence or Crown land that is not subject to any lease or licence, for any commercial undertaking involving the use of the land for any recreational, tourist, accommodation, safari, or other purpose that, in the opinion of the Commissioner, may be properly undertaken on that land.
- (2) The Commissioner shall not issue a commercial recreation permit in respect of any land comprised in a pastoral lease or pastoral occupation licence to any person other than the holder of that lease or licence without the holder's consent.
- (2A) Before approving the issue of a commercial recreation permit under this section over Crown land that is not subject to any lease or licence, the Commissioner may require the applicant to advertise his application in some newspaper or newspapers circulating in the locality; and the Commissioner may, in its absolute discretion, do any of the following things:
 - (a) grant a commercial recreation permit in respect of the land concerned to that applicant;
 - (b) grant such a permit to some subsequent applicant;
 - (c) refuse to grant such a permit to any applicant.
- (3) The Commissioner shall not grant a commercial recreation permit in respect of any land for any purpose that, in the opinion of the Commissioner, is incompatible with any water or soil conservation objectives relating to the land.
- (4) As a condition of granting a commercial recreation permit to the holder of any pastoral lease or pastoral occupation licence, the Commissioner may require the holder to surrender to the Commissioner any part of the land comprised in the lease or licence in order to facilitate erosion prevention measures.
- (5) Every commercial recreation permit shall be deemed to be issued subject to the condition that the holder will comply with all local authority bylaws, rules, regulations, and requisitions, and with the provisions of the Resource Management Act 1991.
- (6) Every commercial recreation permit shall be issued on such other terms and subject to such other conditions (whether as to the payment of fees or otherwise) as the Commissioner may determine, whether generally or in a particular case.

- (7) Every holder of a pastoral lease or a pastoral occupation licence who uses or permits to be used any part of the land comprised in the lease or licence for any purpose for which a commercial recreation permit may be issued under this section commits a breach of the lease or licence, rendering the lease or licence liable to forfeiture in accordance with the provisions of this Act, unless he is the holder of a commercial recreation permit authorising the use of the land for that purpose.
- (8) If another enactment provides that a person must obtain permission under that enactment before undertaking an activity that is contrary to that enactment,—
 - (a) the grant of a commercial recreation permit does not in itself allow the proposed activity to be carried out without the required permission under the other enactment; but
 - (b) nothing in this subsection prevents the granting of a commercial recreation permit before permission under the other enactment has been obtained.
- (9) Without limiting subsection (6), a commercial recreation permit may be granted wholly or in part, with or without any conditions, limitations, directions, or restrictions that the Commissioner thinks necessary, including for the purpose of reducing the adverse effects on inherent values.
- (10) The granting of a commercial recreation permit in respect of pastoral land is subject to sections 9, 10, and 12 of the Crown Pastoral Land Act 1998.
- (11) Before granting a commercial recreation permit in respect of pastoral land, the Commissioner must consult the Director-General of Conservation.
- (12) Nothing in this section requires the Commissioner to grant a proposed commercial recreation permit in any case.

Section 66A: inserted, on 9 October 1975, by section 2 of the Land Amendment Act 1975 (1975 No 82).

Section 66A heading: amended, on 17 November 2022, by section 23(1) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 66A(1): amended, on 17 November 2022, by section 23(2) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 66A(1): amended, on 17 November 2022, by section 23(3) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 66A(1): amended, on 17 December 1982, by section 2(1)(a) of the Land Amendment Act 1982 (1982 No 183).

Section 66A(1): amended, on 17 December 1982, by section 2(1)(b) of the Land Amendment Act 1982 (1982 No 183).

Section 66A(2): amended, on 17 November 2022, by section 23(2) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 66A(2): amended, on 17 November 2022, by section 23(3) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 66A(2): amended, on 17 December 1982, by section 2(1)(c) of the Land Amendment Act 1982 (1982 No 183).

Section 66A(2A): inserted, on 17 December 1982, by section 2(2) of the Land Amendment Act 1982 (1982 No 183).

Section 66A(2A): amended, on 17 November 2022, by section 23(2) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 66A(2A): amended, on 17 November 2022, by section 23(3) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 66A(2A)(a): amended, on 17 November 2022, by section 23(3) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 66A(3): amended, on 17 November 2022, by section 23(2) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 66A(3): amended, on 17 November 2022, by section 23(3) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 66A(4): amended, on 17 November 2022, by section 23(2) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 66A(4): amended, on 17 November 2022, by section 23(3) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 66A(5): replaced, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

Section 66A(5): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 66A(5): amended, on 17 November 2022, by section 23(3) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 66A(6): amended, on 17 November 2022, by section 23(2) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 66A(6): amended, on 17 November 2022, by section 23(3) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 66A(7): amended, on 17 November 2022, by section 23(3) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 66A(8): inserted, on 17 November 2022, by section 23(4) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 66A(9): inserted, on 17 November 2022, by section 23(4) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 66A(10): inserted, on 17 November 2022, by section 23(4) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 66A(11): inserted, on 17 November 2022, by section 23(4) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 66A(12): inserted, on 17 November 2022, by section 23(4) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

67 Disposal of land in special cases

- (1) Where, in the opinion of the Board, any Crown land available for disposal under this Act cannot properly be classified under subsection (1) of section 51 as farm land, urban land, or commercial or industrial land, the Board may sell that land or grant a lease thereof for any term not exceeding 33 years, with or without a right of renewal, perpetual or otherwise, for the same term. Any such sale or lease and every renewal lease shall be at such price or rent and subject to such terms and conditions as the Board may in each case determine.

- (2) Any Crown land available for disposal under this Act, that, in the opinion of the Board, ought not for any reason to be permanently alienated from the Crown by way of sale, may be leased for any term, not exceeding 33 years, with or without a right of renewal, perpetual or otherwise, for the same term. Any such lease and any renewal thereof shall be at such rent and subject to such terms and conditions as the Board in each case determines, but no such lease and no renewal of any such lease shall confer any right of acquiring the fee simple.
- (3) Any Crown land in the vicinity of a national park available for disposal under this Act, that, in the opinion of the Board, is suitable or adaptable for residential or commercial purposes, may be classified by the Board as a special leasing area, and may be subdivided for residential or commercial purposes and disposed of by way of lease in accordance with subsection (2). All money received by way of rent or otherwise from any such disposal shall be paid by the department into a Departmental Bank Account and, subject to the approval of the Minister, may, without further appropriation than this section, be paid out of that Departmental Bank Account and paid and applied under section 57 of the National Parks Act 1980 as if it were money received under that Act.
- (4) Any Crown land available for disposal under this Act, that, in the opinion of the Board, ought not for any reason to be permanently alienated from the Crown by way of sale until a period of time has elapsed or certain conditions have been fulfilled, may be leased for any term, not exceeding 33 years, at such rent and subject to such terms and conditions as the Board in each case determines. Any such lease may confer on the lessee the right on the expiry thereof, if all the terms and conditions have been complied with, to elect to purchase the land for cash or on deferred payments or to take a renewable lease under this Act at such price or rental value and subject to such terms and conditions as the Board may then in each case determine. If the lessee is dissatisfied with the price or rental value determined by the Board, he may require the price or rental value to be determined by the Land Valuation Tribunal, and thereupon the provisions of this Act relating to appeals to the Land Valuation Tribunal shall, with the necessary modifications, apply, as if the lessee were the lessee under a renewable lease exercising his right to acquire the fee simple or his right of renewal of his lease, as the case may be.

Compare: 1924 No 31 ss 152, 366; 1930 No 35 s 2

Section 67(1): amended, on 23 June 1998, by section 102 of the Crown Pastoral Land Act 1998 (1998 No 65).

Section 67(2): replaced, on 5 December 1951, by section 6 of the Land Amendment Act 1951 (1951 No 60).

Section 67(3): inserted, on 22 October 1959, by section 2 of the Land Amendment Act 1959 (1959 No 70).

Section 67(3): amended, on 1 July 1989, by section 86(1) of the Public Finance Act 1989 (1989 No 44).

Section 67(3): amended, on 1 April 1981, by section 80(1) of the National Parks Act 1980 (1980 No 66).

Section 67(4): inserted, on 6 December 1962, by section 3 of the Land Amendment Act 1962 (1962 No 78).

Section 67(4): amended, on 1 September 1977, by section 6(3) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

67A Special leases may limit or exclude trespass rights

- (1) A lease under section 67 may provide that specified people or kinds of people have the right to enter and remain on the land held under it or any specified part of it without the consent of the lessee, either unconditionally or subject to the observance of any conditions specified in the lease; and in that case,—
 - (a) subject to paragraph (b), when any person (or person of the kind) specified enters or remains on the land or part, the Trespass Act 1980 applies as if the person were not a trespasser on it; but
 - (b) if the right is subject to the observance of a condition and the person fails or refuses to observe it,—
 - (i) the lessee (or any employee or other person acting under the lessee's authority) may orally notify the person of the failure or refusal and warn the person to leave the land or part, to stay off the land or part, or both; and
 - (ii) at any time after the warning, the person does not have the benefit of paragraph (a); and
 - (iii) if the person was warned to leave the land or part, the warning has effect as a warning under section 3 of that Act; and
 - (iv) if the person was warned to stay off the land or part, the warning has effect as a warning under section 4 of that Act.
- (2) A lease under section 67 may empower the Commissioner to authorise people (whether specified people or people of any specified kind) to enter and remain on the land held under it or any specified part of it without the consent of the lessee, either unconditionally or subject to the observance of any conditions specified in the authority; and in that case,—
 - (a) subject to paragraph (b), when any person (or person of the kind) authorised enters or remains on the land or part, the Trespass Act 1980 applies as if the person were not a trespasser on it; but
 - (b) if the authority is subject to the observance of a condition and the person fails or refuses to observe it,—
 - (i) the Commissioner, the lessee, or any employee or other person acting under the authority of the Commissioner or the lessee, may orally notify the person of the failure or refusal and warn the person to leave the land or part, to stay off the land or part, or both; and
 - (ii) at any time after the warning, the person does not have the benefit of paragraph (a); and

- (iii) if the person was warned to leave the land or part, the warning has effect as a warning under section 3 of that Act; and
- (iv) if the person was warned to stay off the land or part, the warning has effect as a warning under section 4 of that Act.

Section 67A: inserted, on 23 June 1998, by section 3 of the Land Amendment Act 1998 (1998 No 66).

68 Short tenancies for grazing or other purposes

- (1) The Board may from time to time, either after calling public applications or without competition, grant a licence to occupy Crown land for grazing or other purposes, at such rent and subject to such conditions as the Board thinks fit.
- (2) Every such licence may be for any term not exceeding 5 years; subject, however, to the conditions that, in the event of a breach of any of the conditions of the licence, or in the event of the whole or any portion of the land being required for settlement, reservation, sale, or other purpose under this Act, the licence may be determined at any time by the Board in respect of the whole or any portion of the land over which it was granted, without the licensee being entitled to any compensation.
- (3) Any licensee under this section shall not be entitled to compensation for any improvements effected or purchased by him, but on the expiry or sooner determination of the licence he may, within such time as the Board determines, remove any buildings, enclosures, fencing, or other improvements effected or purchased by him:

provided that, if the land comprised in the licence or any part thereof is again alienated under this Act to some person other than the outgoing licensee weighted with the value as determined by the Board of all or some of the improvements existing at the time of the alienation on the land so alienated and effected or purchased by the outgoing licensee, there shall be paid to the outgoing licensee the whole or such part (if any) as the Board in its discretion decides of any money received by the department in respect of the value of those improvements. Every such determination by the Board shall be final and be binding on the outgoing licensee.

Compare: 1924 No 31 ss 147, 289; 1925 No 15 ss 58, 76(b)

Section 68(3) proviso: inserted, on 25 October 1956, by section 6 of the Land Amendment Act 1956 (1956 No 42).

68A Grazing permit

- (1) The Board may from time to time, either after calling public applications or without competition, grant to any person a permit to graze stock on Crown land.
- (2) Every grazing permit shall be issued on such terms and subject to such conditions as to the payment of fees, the numbers of stock that may be carried on the land to which the permit relates, the times of the year when the stock may be

grazed on the land, and such other matters as the Board may determine, whether generally or in a particular case.

- (3) A grazing permit shall not confer on the holder—
 - (a) the exclusive right to occupy the land to which the permit relates:
 - (b) the status of occupier of the land for the purposes of the law relating to trespass.
- (4) Every grazing permit shall be revocable by the Board, at will and without compensation, by giving 1 month's notice in writing to the holder.

Section 68A: inserted, on 9 October 1975, by section 3 of the Land Amendment Act 1975 (1975 No 82).

69 Land for communal grazing

- (1) The Board may from time to time set aside any Crown land for use as a run-off in conjunction with other land, whether that other land is Crown land held on lease or licence or private land.
- (2) The Board may grant to any person, or to any group or association of persons, or to any body corporate, the right to use any land so set aside, or any defined portion thereof, in conjunction with the lands owned, leased, or occupied by that person, group, association, or body corporate, or, in the case of a group, or association, or body corporate, by the members thereof individually; and for that purpose the Board may grant a lease or licence of any such land for any term not exceeding 33 years, with or without a right of renewal, at such rent and subject to such conditions as the Board thinks fit.
- (3) No lease or licence of any Crown land shall be granted under this section to any group or association of persons until that group or association has prescribed rules, to be approved by the Board, providing for—
 - (a) the administration of the land and the allocation of grazing rights thereon:
 - (b) the fixing of fees payable for the use of the land:
 - (c) the determination of the class and numbers of stock from time to time to be depastured on the land and the periods during which they may be so depastured.
- (4) Any such rules may, with the approval of the Board, be amended from time to time.

Applications for Crown land

70 Age of applicants

- (1) Any person of the age of 17 years and upwards may become a purchaser, lessee, or licensee under this Act.

- (2) For the purposes of this Act, and also of the Fencing Act 1978, any minor who holds any land by virtue of any lease, licence, or other form of tenure under this Act shall be deemed to be of full age.

Compare: 1924 No 31 ss 106, 251; 1925 No 15 s 53(d)

Section 70(2): amended, on 1 April 1979, pursuant to section 28(1) of the Fencing Act 1978 (1978 No 50).

Section 70(2): amended, on 1 January 1971, by section 6 of the Age of Majority Act 1970 (1970 No 137).

71 Applications by several persons

Two or more persons may make application to purchase or take on lease or licence as joint tenants or tenants in common any Crown land available for disposal under this Act.

Compare: 1924 No 31 s 215

72 Land to be acquired for sole use and benefit

- (1) Subject to sections 71, 90, 91A, and 97, no person shall, by himself or through any other person for him, be entitled to acquire, obtain, or hold, by original application, any land under any tenure under this Act unless it is exclusively for his own use and benefit.
- (2) No person who at the time of making his application has made any arrangement or agreement to permit any other person to acquire by purchase or otherwise the land in respect of which his application is made, or any part thereof, or the applicant's interest therein, shall become a lessee or licensee under this Act.
- (3) Every person who wilfully commits, or incites, instigates, or employs any other person to commit a breach of the provisions of this section commits an offence against this Act.

Compare: 1924 No 31 s 109

Section 72(1): replaced, on 14 October 1981, by section 3(2) of the Land Amendment Act 1981 (1981 No 44).

73 Method of application

- (1) Every application to acquire Crown land under this Act shall be made in writing to the Commissioner for the district in which the land is situate, and shall be lodged in the principal land office for that district during the hours when that office is open to the public for the transaction of business, or be posted prepaid addressed to the Commissioner at the principal land office.
- (2) Every such application shall be deemed to be made at the time when it is received at the principal land office.

Compare: 1924 No 31 ss 64, 69

74 Declaration

- (1) To every application for land under this Act there shall, if so required by this Act or by regulations under this Act or by the Board, be annexed or appended a

statutory declaration in such one of the forms from time to time prescribed by the Governor-General in Council as is applicable to the case, made and signed by the applicant to the effect that he is legally qualified to acquire the land applied for, and that the land is required exclusively for his own use and benefit and not, either directly or indirectly, for the use or benefit of any other person or persons.

- (2) A director, attorney, or agent of a body corporate may make on its behalf any of the declarations required by this Act or by any former Land Act.
- (3) If any person in any statutory declaration required under this Act or any former Land Act wilfully declares to anything which is false, any lease or licence acquired through any such declaration shall, on conviction of the declarant for making a false declaration, be deemed to be forfeited.
- (4) Where the Commissioner has reason to believe that any statement in any declaration made by any applicant for land is false, or that the applicant in making the same had in any manner evaded or attempted to evade the requirements of this Act in their true intent and spirit, the Board, on the report of the Commissioner, may, in its discretion, hold an inquiry into the case, and may declare forfeited all the rights of the applicant to the land and all moneys paid in respect thereof; and in such case the land shall again be open for disposal as if it had not been allotted, or, if the applicant has purchased and subsequently parted with the land, he shall be liable to a fine of an amount equal to 25% of the purchase money, to be recovered in a summary manner.
- (5) Nothing in this section shall be deemed to exempt any applicant from any prosecution or penalty to which he may have become liable by reason of making a false declaration.

Compare: 1924 No 31 ss 68, 110, 111, 112

75 Board may reject application

- (1) The Board shall at all times have power, in the public interest and in its discretion, to refuse any application whatsoever and, in the event of any such refusal, the Board shall cause an entry to be made in its minutes of the ground on which that refusal was based.
- (2) Before taking a ballot or otherwise disposing of any application for land the Board may, in such manner as it thinks fit, inquire into all matters affecting an applicant's suitability or his right of preference under this Act, and may reject any application where the applicant refuses or fails to answer any such inquiries to the satisfaction of the Board.

Compare: 1924 No 31 ss 66, 114

76 Simultaneous applications

- (1) Where any Crown land is notified as open for public application and more than 1 application is made within the time specified, all such applications shall be deemed to be simultaneous.

- (2) All applications made on the same day to acquire any Crown land not notified as open for public application or remaining open for acquisition under subsection (4) of section 53 shall be deemed to be simultaneous.

Compare: 1924 No 31 s 69

77 Allotment of land where simultaneous applications received

- (1) Where there are simultaneous applications for any area of Crown land the Board shall determine which applicant is the most suitable applicant for the land, and shall allot the land to him:

provided that nothing in this section shall limit the right of the Board to refuse or reject any application under section 75, nor compel the Board to allot the land where in its opinion there is no suitable applicant.

- (2) In determining which is the most suitable applicant under the last preceding subsection the Board shall take into consideration the following matters:
- (a) the purpose for which the land is suited or intended to be used:
 - (b) the ability, having regard to his experience, financial resources, and any other relevant matters, of the applicant to use the land for the purpose for which it is suited or intended to be used:
 - (c) the land which the applicant already holds or in which he has an interest within the meaning of section 175.
- (3) Subject to any regulations under this Act for the time being in force granting preference to servicemen, discharged servicemen, and other persons, who have made simultaneous applications for Crown land, where in the opinion of the Board there are 2 or more applicants equally suitable to be allotted the land, the allotment shall be decided by ballot.
- (4) Subject to the foregoing provisions of this section, the decision of the Board on any question arising under this section shall be final and conclusive.

Compare: 1924 No 31 ss 69(2), 113

78 Conduct of ballot

- (1) At any ballot held pursuant to the last preceding section the officer conducting the ballot may draw as many names as he thinks fit, not exceeding the number of applicants for the land.
- (2) If the applicant whose name is drawn first forfeits his right to be allotted the land pursuant to subsection (6) of the next succeeding section, or if he surrenders his right to be allotted the land, the applicant whose name is drawn second shall be declared the successful applicant.
- (3) If the successful applicant pursuant to the last preceding subsection forfeits his right to be allotted the land pursuant to subsection (6) of the next succeeding section, or if he surrenders his right to be allotted the land, the applicant whose name is next drawn in rotation shall be declared the successful applicant; and so on until the list of applicants whose names have been drawn is exhausted.

- (4) In any case where all the successful applicants within the meaning of the preceding subsections of this section forfeit their rights to be allotted the land pursuant to the said subsection (6), or surrender their rights to be allotted the land, a further ballot may be taken among the applicants whose names were not drawn at the former ballot:

provided, however, that the further ballot shall be taken not later than 2 months from the date of the former ballot.

Compare: 1929 No 8 s 23

79 Approval of application and payment of deposit

- (1) Where public applications have been called for any land, the Commissioner, as soon as possible after the date fixed for making applications, shall notify each applicant of the result of his application and of the name of the successful applicant.
- (2) The successful applicant shall forthwith after he is notified of the approval of his application pay the required deposit and the value or portion thereof of any improvements purchased by him, in accordance with the next 2 succeeding subsections:
- provided that the Commissioner may in his discretion allow such further time for payment as in the circumstances appears to him to be reasonable.
- (3) The required deposit shall be,—
- (a) where land is acquired on lease or licence, other than a deferred-payment licence, an amount equal to half of the annual rent payable under the lease or licence:
 - (b) where land is purchased for cash, one-fifth of the purchase price:
 - (c) where land is purchased on deferred payments, the amount fixed by the Board, being not less than 3% of the purchase price.
- (4) Where there are improvements on the land which are to be purchased by the successful applicant, he shall, in addition to the deposit payable under the last preceding subsection, pay either the whole of the value of those improvements or, where the Board allows that value to be paid over a period of years, such portion thereof as may be fixed by the Board.
- (5) The deposit payable under paragraph (a) of subsection (3) shall be deemed to be the half-yearly rent due on 1 January or 1 July then next ensuing.
- (6) If the successful applicant does not pay the required deposit and other moneys payable by him under the foregoing provisions of this section with the time allowed, his application shall thereupon lapse and his right to be allotted the land shall be deemed to be forfeited.

Compare: 1924 No 31 ss 71, 72; 1926 No 49 s 3(1)(a)

80 Applications for unsurveyed land

- (1) Where application is made to acquire land under this Act and the land requires to be surveyed, the Commissioner may require the applicant to pay the estimated cost of survey to the department and, until that amount is paid, the Board may decline to consider the application.
- (2) If the application is refused, or the land is withdrawn from disposal, the survey deposit shall be refunded; but if the application is approved and the applicant refuses or delays to complete, within such time as the Board requires, the purchase or lease or licence of the land after survey, the survey deposit shall be deemed to be forfeited unless the Board, having regard to the circumstances of the case, directs that it be refunded in whole or in part.
- (3) The fact that the area as surveyed is greater or less than the estimated area applied for shall not exempt the applicant from the forfeiture of his survey deposit as provided in the last preceding subsection.
- (4) Except where the Board approves of an application subject to the condition that the applicant shall pay the cost of survey in whole or in part, the survey deposit shall be credited to the applicant as follows:
 - (a) where the land is purchased for cash or on deferred payments, as the first payment on account of the purchase price:
 - (b) where the land is acquired on lease or licence other than a deferred-payment licence, towards the rent accruing due thereunder.

Compare: 1924 No 31 ss 73, 74

Part 5 Leases and licences

Issue of leases and licences

81 Leases and licences: form and execution

- (1) The Board may issue leases and licences and other instruments over or in respect of Crown land.
- (2) Every lease or licence and any renewal thereof issued by the Board shall be in such form and subject to such covenants and conditions, not inconsistent with this Act, as the Board determines. Any lease or licence may be varied to suit the circumstances of any particular case which may arise.
- (3) For every lease or licence there shall be paid by the lessee or licensee such fee for the preparation and registration thereof as may be prescribed, and which shall be paid at the same time as the deposit required by this Act.
- (4) Every lease or licence shall be prepared in duplicate by the Commissioner and shall be dated as of the date of the granting thereof.

- (5) Every lease or licence shall be signed by the Commissioner and by the lessee or licensee.
- (6) If any person who has been declared a lessee or licensee fails to sign his lease or licence within 1 month after being required by written notice so to do, the Board may declare the right of that person to obtain a lease or licence to be cancelled, and thereupon the amount of his deposit, and the sum paid for the lease or licence and the registration thereof shall, unless the Board otherwise determines, be deemed to be forfeited.

Compare: 1924 No 31 ss 88, 89, 90, 99(1)

82 Registration of leases and licences

- (1) For every lease or licence issued under this Act except leases and licences referred to in subsection (4) the Registrar-General of Land must, after execution by the Commissioner and the lessee or licensee, create a record of title for the lease or licence.
- (1A) If the land comprised in any such lease or licence is not properly defined by survey or for any other reason cannot be fully described, the Registrar-General of Land may register the lease or licence, but must record on the record of title for the lease or licence that the title is qualified as described in section 17(1)(a) of the Land Transfer Act 2017.
- (1B) *[Repealed]*
- (2) All dealings with or transmissions of the land comprised in any such lease or licence shall be made in accordance with the provisions of the last-mentioned Act, and shall in all respects be subject thereto.
- (3) All dealings with or under any such lease or licence in contravention of the provisions of this Act shall be void, and the Registrar-General of Land shall not register any dealing with or under a lease or licence until he is satisfied that the said provisions have been complied with.
- (3A) Where a record of title has been issued for the lease or licence,—
 - (a) the Commissioner may lodge for deposit with the Registrar-General of Land a plan of survey of definition or subdivision of the land in the lease or licence; and
 - (b) where on the deposit of a plan of subdivision any land on the plan will vest pursuant to section 238 or 239 of the Resource Management Act 1991, the Commissioner shall request the Registrar-General of Land to issue a record of title under the Land Transfer Act 2017 in the name of Her Majesty the Queen for the land comprised in the lease or licence at the time of the lodging of the plan for deposit, and the Registrar-General of Land must issue a record of title accordingly.
- (4) This section shall not apply to a pastoral lease or pastoral occupation licence under this Act, nor to a licence under section 68, nor to any lease or licence

under Part 11, nor, unless the Board otherwise determines, to any lease or licence under section 67 or section 69.

Compare: 1924 No 31 s 99

Section 82(1): replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 82(1A): replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 82(1B): repealed, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 82(3): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 82(3A): inserted, on 1 April 1979, by section 3(5) of the Local Government Amendment Act 1978 (1978 No 43).

Section 82(3A): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 82(3A)(a): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 82(3A)(b): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 82(3A)(b): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 82(3A)(b): amended, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

83 Registration of dealings with certain leases and licences

- (1) The Registrar-General of Land must create a record of title for any lease or licence that is, under section 48 or 82(4) (other than licences issued under section 68 or Part 11), not required to be registered under the Land Transfer Act 2017 if the lease or licence is presented by the Commissioner to the Registrar-General of Land for registration.
- (2) Subject to the requirements of this Act relating to dealings with any lease or licence, any instrument or notice of any kind which is registrable against a lease under the Land Transfer Act 2017 by virtue of that Act or any other Act is registrable against any lease or licence recorded under subsection (1), and may be so registered in the manner prescribed by the Act by virtue of which it is registrable.
- (3) Every such instrument or notice shall,—
 - (a) in the case of an instrument or notice of any kind which is registrable against a lease under the Land Transfer Act 2017 by virtue of that Act, be in the form prescribed under that Act; and
 - (b) in the case of an instrument or notice of any kind which is registrable against a lease under the Land Transfer Act 2017 by virtue of any other Act, be in the form prescribed by that other Act.

- (3A) Every entry made on any lease or licence in respect of any instrument or notice duly registered against that lease or licence under subsection (2) shall, if purporting to be duly made and signed, be received in all courts as evidence of the particulars therein set forth, and, against the person originally named in the lease or licence and all persons claiming through or under or in trust for him, shall, until it is lawfully cancelled, be conclusive evidence that any person named in the entry, instrument, or notice is seised or possessed of the estate or interest which purports to be vested in him as registered owner by virtue of that entry and of the instrument or notice in respect of which it is made.
- (4) All dealings with or under any such lease or licence in contravention of the provisions of this Act shall be void, and the Registrar-General of Land shall not register any dealing with or under a lease or licence until he is satisfied that the said provisions have been complied with.

Compare: 1924 No 31 ss 268, 270

Section 83 heading: replaced, on 23 November 1967, by section 2 of the Land Amendment Act 1967 (1967 No 86).

Section 83(1): replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 83(2): replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 83(3): replaced, on 23 November 1967, by section 2(1) of the Land Amendment Act 1967 (1967 No 86).

Section 83(3)(a): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 83(3)(b): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 83(3A): inserted, on 23 November 1967, by section 2(1) of the Land Amendment Act 1967 (1967 No 86).

Section 83(4): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

84 Payment of rent

- (1) The rent payable under any lease or licence shall, except where otherwise specially provided, be computed and payable as from the date of the lease or licence, or as from the date of the commencement of the term, whichever date is the earlier.
- (2) The rent shall be payable in equal parts every half-year in advance on 1 January and 1 July in each year, unless the Board in any case otherwise determines.
- (3) The rent for the period elapsing between the date of the lease or licence (or other date on which the rent begins to accrue) and the due date of the first half-yearly payment shall be payable, at the option of the Board, either with the first half-yearly payment or at the due date of the next succeeding half-yearly payment, or on such other date as the Board determines.

- (4) The rent may be recovered in like manner as any rent is recoverable by law.

Compare: 1924 No 31 ss 88(b), 196(4), 263, 264

Section 84(4): amended, on 1 January 2008, by section 364(1) of the Property Law Act 2007 (2007 No 91).

85 Rebates on payments

- (1) Subject to section 66(8), a holder of a lease or licence under this Act (other than a deferred-payment licence or a licence granted under section 68) who is not in arrear with any instalment of rent under his lease or licence shall be entitled to a rebate of such proportion as may be fixed by the Minister of Finance, of each half-yearly instalment of rent if that instalment is paid within 1 month after the day appointed for the payment thereof.
- (2) The purchaser of improvements belonging to the Crown who is not in arrear with any instalment of principal and interest shall be entitled to a rebate of such proportion as may be fixed by the Minister of Finance, of the interest portion of each half-yearly instalment if that instalment is paid within 1 month after the day appointed for the payment thereof.
- (3) The holder of a deferred-payment licence under this Act who is not in arrear with any instalment of purchase money and interest shall be entitled to a rebate of part of the interest portion of each half-yearly instalment calculated as if the interest portion of that instalment were at such rate as may be fixed by the Minister of Finance, if that instalment is paid within 1 month after the day appointed for the payment thereof.
- (4) For the purpose of this section, payment of a half-yearly instalment shall be deemed to have been made within the period of 1 month if within that period it is in course of transmission by post to the department.
- (5) Any rebate to which a lessee or licensee is entitled under this section may be deducted and retained by him from the full amount when payment is being made.
- (6) The decision of the Commissioner on any question relating to any rebate under this section shall be final and conclusive.
- (7) Nothing contained in this section shall be deemed to confer on the holder of any lease or licence which is current at the commencement of this Act any right to a rebate if he is not entitled under his lease or licence or under any former Land Act to any rebate, or to vary the rate of any rebate to which he may be entitled under his lease or licence or under any former Land Act.

Compare: 1924 No 31 s 123; 1939 No 21 s 5(6)

Section 85(1): amended, on 30 November 1979, by section 5(2) of the Land Amendment Act 1979 (1979 No 57).

Section 85(1): amended, on 1 January 1969, by section 3(1) of the Land Amendment Act 1968 (1968 No 50).

Section 85(2): amended, on 1 January 1969, by section 3(1) of the Land Amendment Act 1968 (1968 No 50).

Section 85(3): amended, on 1 January 1969, by section 3(1) of the Land Amendment Act 1968 (1968 No 50).

86 Adjustments in rental value, etc, where land included in or excluded from lease or licence

Where, pursuant to any authority conferred by this Act or any other enactment, any land is incorporated in a lease or licence, or is excluded from any lease or licence, the Board shall make all necessary and equitable adjustments in the rental value or purchase price and in the rent or instalments of purchase money and interest payable under the lease or licence.

Compare: 1924 No 31 ss 105, 262

87 Purchase of improvements during currency of lease or licence

- (1) The holder of every lease of Crown land on which there are improvements belonging to the Crown may, with the approval of the Board, at any time elect to purchase those improvements at the value at which they are included in the rental value of the land. Any such purchase may be for cash or over such period as the Board approves.
- (2) Where the purchase price is payable otherwise than in cash, the amount owing to the Crown shall be deemed to have been advanced to the lessee by the Board and shall be secured and made payable in such manner and subject to such conditions as the Board determines, together with interest thereon at such rate as may be determined by the Minister of Finance.
- (3) Where a lessee elects to purchase improvements belonging to the Crown in accordance with the provisions of this section, the rental value of the land and the rent payable under the lease shall be reduced proportionately as follows:
 - (a) where the purchase is made concurrently with the renewal of the lease, or with the exchange of the lease pursuant to Part 7, as from the commencement of the term of the renewal or exchanged lease:
 - (b) where the purchase is made during the currency of the lease, as from the date on which the purchase price is paid (where the improvements are purchased for cash), or as from the date on which the purchase money is deemed to be advanced to the lessee by the Board (where the improvements are purchased over a period of time).

Section 87(1): amended, on 1 January 1971, by section 4(a) of the Land Amendment Act 1970 (1970 No 122).

Section 87(3): amended, on 1 January 1971, by section 4(b) of the Land Amendment Act 1970 (1970 No 122).

87A Appeal against decision of Board where improvements purchased during currency of lease

- (1) Any lessee who is dissatisfied with the determination of the Board under section 87 may, within 1 month after receiving notice in writing of the determination of the Board, appeal from that determination to the Land Valuation Tribu-

nal. Every such appeal shall be filed in the appropriate office of the District Court (as defined in section 2 of the Land Valuation Proceedings Act 1948), and a copy of the appeal shall be served on the Commissioner.

- (2) Every appeal under this section shall contain or be accompanied by such particulars, information, or documents as may be prescribed or as may be required by the Land Valuation Tribunal, and shall be verified by the statutory declaration of the appellant.
- (3) After hearing the appeal, the Land Valuation Tribunal shall determine the value of the improvements at the value at which they are included in the rental value of the land. Subject to the right of appeal to the High Court vested in any party, the purchase price of the improvements shall be fixed in accordance with the value so determined by the Tribunal.
- (4) Notwithstanding anything in subsection (3), the Land Valuation Tribunal shall not determine the value of the improvements to be less than the value of improvements on the land at the commencement of the lease as recorded in the schedule to the lease:

provided that where, on a revaluation under section 139 or the corresponding provisions of any former Land Act, the value of those improvements has been reduced, then, for the purposes of this section, the value of those improvements as determined on that revaluation shall be deemed to be their value at the commencement of the lease.

(5) *[Repealed]*

(6) *[Repealed]*

Section 87A: inserted, on 19 October 1965, by section 11 of the Land Amendment Act 1965 (1965 No 48).

Section 87A(1): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Section 87A(1): amended, on 1 September 1977, by section 6(3) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 87A(2): amended, on 1 September 1977, by section 6(3) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 87A(3): replaced, on 1 January 1971, by section 5 of the Land Amendment Act 1970 (1970 No 122).

Section 87A(3): amended, on 15 August 1991, by section 3(4) of the Judicature Amendment Act 1991 (1991 No 60).

Section 87A(3): amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

Section 87A(3): amended, on 1 September 1977, by section 6(3) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 87A(4): replaced, on 1 January 1971, by section 5 of the Land Amendment Act 1970 (1970 No 122).

Section 87A(4): amended, on 1 September 1977, by section 6(3) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 87A(5): repealed, on 1 January 1971, by section 5 of the Land Amendment Act 1970 (1970 No 122).

Section 87A(6): repealed, on 1 January 1971, by section 5 of the Land Amendment Act 1970 (1970 No 122).

88 Moneys spent for protection or benefit of land

- (1) The Board may, with the approval of the Minister, expend moneys for the improvement, roading, draining, or otherwise for the benefit or protection of Crown land held on lease or licence.
- (2) Where any such moneys are expended for the benefit or protection of any land held on renewable lease or on deferred-payment licence, the rental value or purchase price, as the case may be, may be increased by the amount expended or by such lesser amount as the Board determines; and the Board shall, where necessary, make such adjustments as may be appropriate in the yearly rent or in the instalments of purchase money and interest payable, as the case may be.
- (3) Where any such moneys are expended for the benefit or protection of any land held on any other tenure, the yearly rent may be increased by an amount equal to such proportion as may be fixed by the Minister of Finance of the amount expended or of such lesser amount as the Board determines.
- (4) Where the moneys are expended for the benefit or protection of 2 or more holdings, the amount expended, or so much of it as the Board determines, shall be apportioned by the Board as it thinks just between the several holdings.
- (5) On production to the Registrar-General of Land of a certificate, signed by the Commissioner, of any increase in the rental value or in the rent or purchase price payable under any lease or licence pursuant to this section, the Registrar-General of Land must record details of the increase on the record of title issued for the lease or licence.
- (6) On the renewal of any lease, or on the issue of a new lease under Part 7, or on the making of any revaluation under Part 9, in respect of any holding the rental value or rent of which has been increased under this section, the rental value of the land or rent payable under the lease, as the case may be, shall be first ascertained without taking into account any moneys expended by the Crown for any of the purposes mentioned in subsection (1). Where the land is held on renewable lease, the amount of those moneys, or such lesser amount as the Board determines, shall then be added to the rental value as so ascertained, and the rent shall be fixed by reference to the total of the 2 said amounts. Where the land is held on lease (other than renewable lease), the yearly rent as so ascertained shall be deemed to be increased by an amount equal to such proportion as may be fixed by the Minister of Finance of the amount of the moneys so expended, or of such lesser amount as the Board determines.

Compare: 1924 No 31 s 164

Section 88(3): amended, on 1 January 1969, by section 3(1) of the Land Amendment Act 1968 (1968 No 50).

Section 88(5): replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 88(6): amended, on 1 January 1969, by section 3(1) of the Land Amendment Act 1968 (1968 No 50).

Transfer, subdivision, and mortgage of leases or licences

89 Commissioner to consent to dealings with leases or licences

- (1) A lessee or licensee, or the sub-lessee of any lease or licence, shall not transfer, sublease, or otherwise dispose of his interest, or any part thereof, in the land subject to the lease or licence without the consent of the Commissioner. Notwithstanding the provisions of any lease or licence, the consent of the Commissioner shall not be required to a mortgage of any interest therein.
- (2) The Commissioner shall at all times have power, in the public interest and in its discretion, to refuse any application for consent whatsoever, or to grant its consent subject to such conditions as it thinks fit.
- (2A) Without limiting anything in subsection (2), when the Commissioner is considering whether to consent to the transfer or sublease of pastoral land, the Commissioner must consider whether requests for public access over the land have been unreasonably refused by the lessee or licensee in the past.
- (2B) If the Commissioner considers that access has been unreasonably refused, they may make their consent to the transfer or sublease subject to the condition that the lessee or licensee, and the potential transferee or sublessee, must enter into a negotiation process with the Commissioner with the intention that access requests will not be unreasonably refused after the transfer or subleasing.
- (2C) Any matters necessary to give full effect to the steps set out in subsections (2A) and (2B) may be prescribed in a standard or directive set or issued by the Commissioner under section 100S(1) of the Crown Pastoral Land Act 1998.
- (3) No transfer, sublease, or other disposition of any lease or licence shall be valid unless all the conditions, whether expressed or implied, on which the lease or licence was granted (including the condition for the payment of rent) shall have been complied with up to the date of transfer, sublease, or other disposition.
- (3A) Subject to sections 71, 90, 91A, and 97 and to subsection (3B), no person shall be entitled to acquire, obtain, or hold, by transfer, sublease, or otherwise in any manner, any interest, or any part thereof, in any land that is subject to a lease or licence, unless it is exclusively for his own use or benefit.
- (3B) Subject to subsection (2), the Commissioner may consent to the transfer, sublease, or other disposal, to trustees of any interest, or any part thereof, in any land subject to a lease or licence if the beneficiaries are children or grandchildren of the transferor, sub-lessor, or disposer, and the Commissioner is satisfied that—

- (a) there is to be no change in the occupation and management of the land concerned; or
 - (b) the beneficiaries of the trust concerned, or some of them, are not of full age, and it is probable that they will farm the land concerned on reaching full age.
- (4) Where any lessee or licensee has transferred all his interest in his lease or licence by a legal transfer with the consent of the Commissioner, the person to whom the lease or licence has been so transferred shall have all the rights and privileges of and be subject to the same obligations as the original lessee or licensee, and the former lessee or licensee shall thereupon cease to be liable for any subsequent breach of any covenant, condition, or obligation (expressed or implied) in the lease or licence.
- (4A) Where any lessee or licensee has agreed by an agreement for sale and purchase consented to by the Commissioner to transfer at a future date his interest in his lease or licence, then, so long as the agreement for sale and purchase continues in force, both the lessee or licensee and the person to whom he has agreed to transfer his interest shall jointly have all the rights and privileges of the lessee or licensee under the lease or licence, and shall be jointly and severally liable to the Crown for the observance and performance of all the covenants, conditions, and obligations in the lease or licence:
- provided that so long as the agreement continues in force the condition as to residence (expressed or implied) in the lease or licence shall be deemed to be complied with if performed by the purchaser under the agreement for sale and purchase.
- (5) With every application for consent to transfer, sublease, or otherwise dispose of an interest there shall be paid such fee as may be prescribed (*see* section 184A).

Compare: 1924 No 31 ss 88(d), 90(1)(a), 268; 1925 No 15 s 68; 1926 No 49 s 3(3)(a)

Section 89 heading: amended, on 17 November 2022, by section 24(1) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 89(1): replaced, on 1 December 1961, by section 3(1) of the Land Amendment Act 1961 (1961 No 86).

Section 89(1): amended, on 17 November 2022, by section 24(2) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 89(2): amended, on 17 November 2022, by section 24(2) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 89(2A): inserted, on 17 November 2022, by section 24(3) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 89(2B): inserted, on 17 November 2022, by section 24(3) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 89(2C): inserted, on 17 November 2022, by section 24(3) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 89(3): amended, on 1 December 1961, by section 3(2)(d) of the Land Amendment Act 1961 (1961 No 86).

Section 89(3A): inserted, on 14 October 1981, by section 3(1) of the Land Amendment Act 1981 (1981 No 44).

Section 89(3B): inserted, on 14 October 1981, by section 3(1) of the Land Amendment Act 1981 (1981 No 44).

Section 89(3B): amended, on 17 November 2022, by section 24(2) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 89(4): replaced, on 2 October 1958, by section 2 of the Land Amendment Act 1958 (1958 No 72).

Section 89(4): amended, on 17 November 2022, by section 24(2) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 89(4A): inserted, on 2 October 1958, by section 2 of the Land Amendment Act 1958 (1958 No 72).

Section 89(4A): amended, on 17 November 2022, by section 24(2) of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

Section 89(5): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 89(5): amended, on 1 December 1961, by section 3(2)(d) of the Land Amendment Act 1961 (1961 No 86).

90 Transfers by executors and administrators

On the death of the owner of any lease or licence his executors or administrators shall have power to assign the lease or licence to any qualified person approved by the Board, but the consent of the Board shall not be necessary for any such assignment if made to a person entitled thereto as a trustee or beneficiary under the will or claiming under an intestacy.

Compare: 1924 No 31 s 93(1)

91 Notice to Commissioner of transfer by executor or administrator

Any executor or administrator who assigns any lease or licence to a person entitled thereto under any will or claiming under an intestacy shall forthwith notify the Commissioner in writing of the full name and address of the assignee, and no such assignment shall be registered by the Registrar-General of Land unless and until he is satisfied that the notice has been given to the Commissioner.

Compare: 1924 No 31 s 95

Section 91: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

91A Transfer by trustees

- (1) Where any lease or licence has been assigned to any trustee with the consent of the Board or pursuant to section 90 or to this section, the consent of the Board shall not be necessary to any assignment of the lease or licence to any person as trustee on the appointment of a new trustee or the retirement of a trustee or to any beneficiary under the trust.
- (2) Any person who assigns any lease or licence pursuant to the provisions of subsection (1) shall forthwith notify the Commissioner of the full name and

address of the assignee, the power under which the assignment has been made, and whether the assignment is to a new trustee or to a beneficiary under the trust. No such assignment shall be registered by the Registrar-General of Land unless and until he is satisfied that the notice required by this subsection has been given to the Commissioner.

Section 91A: inserted, on 19 October 1965, by section 12 of the Land Amendment Act 1965 (1965 No 48).

Section 91A(2): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

92 Transfer by Commissioner where no probate or letters of administration applied for

- (1) If no probate is granted or no letters of administration are issued within 6 months after the death of the owner of a lease or licence, and the Commissioner is of opinion that the lease or licence is of so small a value that it is expedient to exercise the powers hereby conferred upon him, he may either sell the lease or licence and execute a transfer of the same to any qualified person, and receive the purchase money on account of the persons entitled thereto under the will or intestacy of the deceased, or he may execute a transfer of the lease or licence to the person appearing to him to be entitled thereto under the said will or intestacy, or to any 1 or more of them in trust for all.
- (2) No person shall have any claim against the Crown or against the Commissioner in respect of anything done by the Commissioner under the powers conferred by the last preceding subsection.

Compare: 1924 No 31 s 93(3)

93 Subdivision of leases or licences

- (1) Any lessee or licensee may, with the approval of the Board, subdivide in accordance with Part 10 of the Resource Management Act 1991 his holding and transfer any subdivision thereof to any person who is qualified to acquire Crown land and who is approved by the Board as a transferee.
- (2) The cost of all surveys and plans necessary to give effect to the subdivision shall be borne by the lessee or licensee.
- (3) The Board's approval of a subdivision may be given subject to the condition that the lessee or licensee shall pay to the Crown the value as determined by the Board of any land that vests as road on the deposit of a survey plan pursuant to section 238 of the Resource Management Act 1991.
- (4) On the approval of the plan of the subdivision and on the payment of such fee as may be prescribed for each new lease or licence, the Board may cancel the original lease or licence and issue new leases or licences over the several lots in the subdivision for the residue of the original term and subject to the same conditions, save that the original rent or balance of the purchase price shall be

apportioned between the several lots in the subdivision as the Board may determine:

provided, however, that the yearly rent payable under any new lease or licence granted under this section shall not be less than \$2.

Compare: 1924 No 31 s 98

Section 93(1): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 93(1): amended, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

Section 93(3): replaced, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

Section 93(3): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

94 Mortgages of leases or licences

- (1) In every mortgage (other than to the Crown or to a department of State) of a lease or licence of Crown land there shall be implied the following conditions:
 - (a) every sale upon default shall be by public auction:
 - (b) every sale shall be advertised in at least 1 newspaper usually circulating in the district in which the land is situated:
 - (c) no sale shall take place earlier than 14 days after the first publication of the advertisement notifying the sale:
 - (d) where any mortgaged property has been offered for sale by public auction in accordance with the foregoing provisions of this section and has not been disposed of, it may, with the consent of the Commissioner, be sold by private contract:
 - (e) the mortgagor, at any time before the actual sale, shall be entitled to a release of the security, upon payment to the mortgagee of the principal and any other moneys advanced, or which have been paid to protect the security, and of interest on the principal and other moneys advanced calculated up to the date of the intended sale, together with a sum sufficient to cover the actual disbursements for advertising, and a commission not exceeding 1.25% of the sum secured as representing all other charges and expenses. Any sale proceeded with after tender of those amounts shall, but only as between the mortgagor and mortgagee, be null and void if the mortgagor continues ready to pay the amount so tendered.
- (2) Any covenant in a mortgage purporting to vary any of the provisions of the last preceding subsection shall be null and void.
- (3) No mortgagee of any lease or licence shall be required to make a statutory declaration under this Act unless and until he becomes a purchaser under the pro-

visions of the mortgage, but he shall make such a declaration before the Board consents to a transfer of the lease or licence to him.

- (4) The transferee or purchaser (other than a department of State) of a lease or licence under any power of sale vested in any mortgagee, or assignee, or trustee in bankruptcy shall not be admitted into possession or occupation of the land comprised in the lease or licence until he has deposited with the Commissioner a statutory declaration in the form or to the effect of the declaration (if any) which he would be required to make if he were an original lessee or licensee.

Compare: 1924 No 31 ss 97, 271

95 Encumbrance not to affect Board's power of forfeiture for breach of conditions

Any encumbrance, lien, or interest registered against the estate or interest of any person in any lease or licence shall not in any way limit or affect the right of the Board to forfeit the lease or licence for breach of conditions, and generally to exercise the powers conferred by this Act in like manner as if no such encumbrance, lien, or interest existed.

Compare: 1924 No 31 s 179

Residence

96 Lessee or licensee to reside

- (1) The lessee or licensee of any farm land or pastoral land shall within 1 year after the date of his lease or licence, or within such further period as the Commissioner may allow, commence to reside personally on the land comprised in his lease or licence, and thereafter throughout the term of his lease or licence shall reside continuously thereon unless exempted from doing so under section 98.
- (2) Where the lessee or licensee resides on land which adjoins the land held under lease or licence, he shall be deemed to be complying with this section. For the purpose of this section, lands shall be deemed to adjoin if separated only by a railway, road, street, river, or stream, or by such distance as the Board may in each case determine.
- (3) Where land is held on lease or licence by 2 or more persons as joint tenants or as tenants in common, residence by 1 or more of the lessees or licensees shall, at the discretion of the Board, be deemed to be residence by all of them for the purposes of this section.

Compare: 1924 No 31 ss 179, 180(1), (2), 215(a); 1925 No 15 s 65; 1926 No 49 s 3(2)

97 Residence where land held by executor, administrator, or trustee

The executors, administrators, or trustees of the deceased owner of any lease or licence, or trustees to whom any lease or licence has been assigned with the consent of the Board or pursuant to section 90 or section 91A, may continue to hold the same in trust for the persons beneficially entitled thereto under the will

or intestacy of the deceased, and the conditions as to residence may be fulfilled by the persons so beneficially entitled, or by any of them, or by any suitable person or persons appointed by the executors, administrators, or trustees pending the vesting of the lease or licence in the persons entitled or during the minority of any beneficiary, as if they were the owners of the lease or licence.

Compare: 1924 No 31 s 93(2)

Section 97: amended, on 14 October 1981, by section 3(3) of the Land Amendment Act 1981 (1981 No 44).

98 Exemption from residence

- (1) Where the lessee or licensee is a youth or a person who is not married or in a civil union or in a de facto relationship who is living in the locality and residing with his or her parents or near relatives, the Board may approve the postponement of the commencement of residence.
- (2) Where a lessee or licensee is unable, because of his calling or vocation, or the state of his health, or any other reason which the Board considers sufficient, to take up or continue personal residence on the land comprised in his lease or licence, the Board may exempt the lessee or licensee from personal residence.
- (3) A lessee or licensee who has married or entered into a civil union or de facto relationship with the owner, lessee, or occupier of other land, whether Crown land or private land, may, in the discretion of the Board, be exempted from residence on the land held under lease or licence.
- (4) Any postponement or exemption under this section may be for such period and subject to such terms as the Board may determine, and, in particular, the Board may require the lessee or licensee to effect improvements additional to those which he is required to effect under this Act and may require him to provide a substitute who shall remain in continuous residence during the period of postponement or exemption.

Compare: 1924 No 31 ss 180(3), 181, 182, 184

Section 98(1): amended, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Section 98(3): amended, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Good husbandry and improvements

99 Land to be properly farmed

In every lease or licence under this Act or any former Land Act of farm land or pastoral land, there shall be implied on the part of the lessee or licensee a covenant that he will throughout the term of the lease or licence,—

- (a) farm the land diligently and in a husbandlike manner according to the rules of good husbandry, and will not in any way commit waste:

- (b) keep the land free from wild animals, rabbits, and other vermin, and generally comply with the provisions of the Biosecurity Act 1993:
- (c) properly clean and clear from weeds and keep open all creeks, drains, ditches, and watercourses upon the land, including any drains or ditches which may be constructed by the Commissioner after the commencement of the term of the lease or licence.

Compare: 1924 No 31 s 258(1)(e)

Section 99(b): amended, on 1 October 1993, pursuant to section 167(1) of the Biosecurity Act 1993 (1993 No 95).

100 Preservation of timber

- (1) In every lease or licence under this Act or any former Land Act of farm land or pastoral land there shall be implied on the part of the lessee or licensee a covenant that he will not throughout the term of the lease or licence, without the prior consent of the Commissioner, given on such terms and conditions (including the payment of royalty) as he thinks fit, fell, sell, or remove any timber, tree, or bush growing, standing, or lying on the land comprised in the lease or licence, and that he will throughout the term of the lease or licence prevent the destruction or burning of any such timber, tree, or bush, unless the Commissioner otherwise approves:

provided that the consent of the Commissioner shall not be necessary where any timber or tree is required for any agricultural, pastoral, household, road-making, or building purpose on the land comprised in the lease or licence, or has been planted or purchased by the lessee or licensee.

- (2) Sections 9 to 11 of the Crown Pastoral Land Act 1998 apply to a decision by the Commissioner to consent to any activity under this section that is for the time being classified as a discretionary pastoral activity under that Act.

Compare: 1924 No 31 s 258(1)(c)

Section 100(1) proviso: amended, on 25 October 1956, by section 8 of the Land Amendment Act 1956 (1956 No 42).

Section 100(2): inserted, on 17 November 2022, by section 25 of the Crown Pastoral Land Reform Act 2022 (2022 No 22).

101 Implied covenants as to improvements

In every lease or licence under this Act or any former Land Act, there shall be implied a covenant on the part of the lessee or licensee that he will to the satisfaction of the Commissioner throughout the term of the lease or licence,—

- (a) cut and trim all live fences and hedges, clear the land of all noxious weeds, and comply with the provisions of the Biosecurity Act 1993:
- (b) maintain all improvements belonging to the Crown (including improvements which are being purchased by the lessee or licensee by instalments over a period of years), and repair and maintain and keep in good substantial repair, order, and condition all buildings, fences, gates, and

other erections then existing or thereafter erected on the said land, and will not, without the prior written consent of the Commissioner, pull down or remove them, or any part of them:

- (c) insure against loss or damage by fire all buildings belonging to the Crown (including buildings which are being purchased by the lessee or licensee by instalments over a period of years, but not including buildings for the time being sold under hire purchase agreement or hired by the Crown to the lessee or licensee under any other Act) to their full insurable value in the name of the Commissioner in some insurance office approved by the Commissioner, and will duly pay all premiums falling due under the insurance policy or policies, and deposit with the Commissioner every policy for insurance for the time being issued and in force and, not later than the forenoon of the day on which any such premium becomes payable, the receipt for that premium; and that, if the lessee or licensee fails or neglects to effect or maintain any such insurance or to deposit as aforesaid any such policy or premium receipt, it shall be lawful for, but not obligatory upon, the Commissioner to effect that insurance or pay that premium and to recover all payments made in respect thereof in the same manner as rent.

Compare: 1924 No 31 s 258(1)(d)

Section 101(a): amended, on 1 October 1993, pursuant to section 167(1) of the Biosecurity Act 1993 (1993 No 95).

102 Covenants to be binding on executors and assigns

- (1) Every covenant implied by any of the last 3 preceding sections shall be deemed to be entered into on the part of the lessee or licensee for himself, his executors, administrators, and permitted assigns; and, in those sections, the words **lessee or licensee** shall, where the context so requires or admits, be deemed to include the lessee or licensee and his executors, administrators, and permitted assigns.
- (2) Every covenant implied by any of the last 3 preceding sections shall be binding on the lessee or licensee as if fully set out in the lease or licence; and non-fulfilment of any such covenant shall be a breach of the covenants and conditions of the lease or licence entitling the Board to declare the lease or licence to be forfeit under the provisions of this Act.

103 Further express covenants and conditions may be required by the Board

Every lease or licence under this Act may contain such further express covenants and conditions on the part of the lessee or licensee, not inconsistent with this Act, as the Board determines, either generally or in any particular case, or class or classes of cases.

Compare: 1924 No 31 ss 90, 258(1)(f); 1939 No 21 s 5(3)

104 Improvements to be effected

- (1) Every holder of a lease or licence under this Act shall, within such period as the Board determines, effect on the land comprised in his lease or licence improvements of such nature and quantity as the Board determines, either generally or in any particular case or class or classes of cases, and shall thereafter maintain the same in good order, repair, and condition to the satisfaction of the Board.
- (2) In determining the nature and quantity of the improvements to be effected under the last preceding subsection, the Board shall have regard to—
 - (a) the classification of the land under subsection (1) of section 51:
 - (b) the extent to which the land is already improved:
 - (c) the purpose for which the land is suited or intended to be used:
 - (d) any other matters which in the opinion of the Board may be relevant.
- (3) Every determination of the Board under this section shall be made before public applications for the land are called for or, where land is disposed of without competition, shall be made when the application is approved.
- (4) Any determination by the Board under this section may, at the request of the lessee or licensee, be modified at any time by the Board in any case where it appears equitable to do so.

Compare: 1924 No 31 ss 186, 187, 258(2); 1925 No 15 s 54(6); 1926 No 49 s 3(3)(d)

Section 104(1): amended, on 19 October 1965, by section 13(1)(a) of the Land Amendment Act 1965 (1965 No 48).

Section 104(2): amended, on 19 October 1965, by section 13(1)(b) of the Land Amendment Act 1965 (1965 No 48).

105 Board to be judge of fulfilment of conditions

Where a lessee or licensee is required to fulfil certain conditions, whether expressed in the lease or licence or implied under this Act, the Board shall be the sole judge whether any condition has been fulfilled, and shall have power to enforce fulfilment or, in the event of the lease or licence being forfeited for the non-fulfilment of the conditions as provided in Part 9, to recover possession of any land, improvements, or moneys which are forfeited to the Crown by reason of the breach of any such condition.

Compare: 1924 No 31 s 55

Pastoral lands

[Repealed]

Heading: repealed, on 23 June 1998, pursuant to section 104 of the Crown Pastoral Land Act 1998 (1998 No 65).

106 Burning of tussock

[Repealed]

Section 106: repealed, on 23 June 1998, by section 104 of the Crown Pastoral Land Act 1998 (1998 No 65).

107 Boundaries of pastoral lands

[Repealed]

Section 107: repealed, on 23 June 1998, by section 104 of the Crown Pastoral Land Act 1998 (1998 No 65).

108 Cultivation, cropping, and grassing of pastoral lands

[Repealed]

Section 108: repealed, on 23 June 1998, by section 104 of the Crown Pastoral Land Act 1998 (1998 No 65).

109 Procedure on expiry of pastoral occupation licence

[Repealed]

Section 109: repealed, on 23 June 1998, by section 104 of the Crown Pastoral Land Act 1998 (1998 No 65).

110 Travelling stock

[Repealed]

Section 110: repealed, on 23 June 1998, by section 104 of the Crown Pastoral Land Act 1998 (1998 No 65).

Rates and taxes

111 Lessee or licensee liable for rates, taxes, etc

- (1) Subject to the provisions of the next succeeding section, every lessee or licensee shall be liable for all rates, taxes, or assessments of every nature or kind whatsoever lawfully imposed upon the occupier of the lands included in his lease or licence during the term for which he is lessee or licensee.
- (2) No Crown land is capable of being sold for the non-payment of rates due by the ratepayer, but a local authority may sell the interest of a lessee or licensee described under section 11(2) of the Local Government (Rating) Act 2002 to a person who is qualified to acquire that interest and who has been approved by the Board.
- (3) If any lessee or licensee of Crown land fails, for 14 days after demand, to pay to a local authority any rate on Crown land for which he is liable, he shall be

deemed to have committed a breach of his lease or licence, and in any such case the Board may, at the request of the local authority, if the rate or any portion thereof remains unpaid for 1 month after notice served on the lessee or licensee by the Board, declare the lease or licence to be forfeited.

- (4) Subject to any right of a mortgagee to be paid the amount owing under his mortgage in priority to any amount owing in respect of rates, the Board may in any case declare that any rates (not exceeding 3 years' arrears) due by an outgoing lessee or licensee shall be a charge upon any moneys received or receivable by the department from an incoming lessee or licensee for improvements on the land, and may pay to any local authority out of those moneys the amount of the rates so charged thereon.

Compare: 1924 No 31 s 101; 1925 No 15 s 67; 1928 No 37 s 5

Section 111(2): replaced, on 1 July 2003, by section 137(1) of the Local Government (Rating) Act 2002 (2002 No 6).

112 Rates payable under temporary tenancies

[Repealed]

Section 112: repealed, on 1 July 2003, by section 137(1) of the Local Government (Rating) Act 2002 (2002 No 6).

Documents of title

113 Variation of area of land or terms and conditions of lease or licence

- (1) Notwithstanding the provisions of section 82 or of any other Act, where any lease or licence is registered in the Land Transfer Office, and—
- (a) land is incorporated in or excluded from the lease or licence; or
 - (b) any survey or resurvey of the land comprised in the lease or licence discloses that the area of land shown in the lease or licence is incorrect; or
 - (c) any term or condition of the lease or licence is varied, whether by increase or reduction of the rental value or yearly rent or otherwise howsoever,—

the Commissioner may prepare and sign a certificate setting forth such particulars with respect to any alteration in area, rental value, rent, purchase money, instalments of purchase money and interest, or other matters as he may deem necessary in the circumstances of the case. The certificate shall, if the Registrar-General of Land so requires, in any case where land has been incorporated in or excluded from the lease or licence or where there is an alteration in area, have endorsed thereon or attached thereto a plan of that land, and shall in every case be produced to the Registrar-General of Land, who must enter details of this on any record of title issued for the lease or licence.

- (2) Where any land is incorporated in a lease or licence as aforesaid, the land so incorporated shall, on the entry of details on the record of title for the lease or licence by the Registrar-General of Land, be held by the lessee or licensee on

the same tenure and subject to the same terms and conditions as those on which the land with which it is incorporated is held.

- (3) Any land so incorporated in a lease or licence shall be subject to the same reservations, trusts, rights, titles, interests, and encumbrances as those to which the land with which it is incorporated is subject.
- (4) In this section, **lease or licence** includes a lease, current at the date when the land first became Crown land subject to this Act, of land of which Her Majesty the Queen is the registered owner under a record of title under the Land Transfer Act 2017.
- (5) Where land is incorporated in any lease of the type described in subsection (4), the Registrar-General of Land, on production of the certificate by the Commissioner referred to in subsection (1), must issue a record of title in the name of Her Majesty the Queen for the land incorporated in the lease.
- (6) Every record of title issued under subsection (5) continues in force until the expiration or sooner determination of the lease, and must then be cancelled by the Registrar-General of Land.

Compare: 1924 No 31 s 105

Section 113 heading: replaced, on 19 October 1965, by section 15 of the Land Amendment Act 1965 (1965 No 48).

Section 113(1): replaced, on 19 October 1965, by section 15(1) of the Land Amendment Act 1965 (1965 No 48).

Section 113(1): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 113(2): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 113(4): replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 113(5): inserted, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 113(6): inserted, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

114 **Bringing down interests**

- (1) In this section, **interest** includes an easement, a lien, and a land covenant.
- (2) If a lessee or licensee acquires an estate in fee simple in land held under the lease or licence concerned, to the extent that the lease or licence is or was subject to (or has or had the benefit of) an interest that applied in relation to the land,—
 - (a) the estate acquired is subject to the interest (or has the benefit of the interest) as if it had been created in respect of the estate; and
 - (b) before issuing a record of title for the land, the Registrar-General of Land must take all steps, and make all entries in the registers, necessary to record the existence of the interest.

- (3) If under section 65(2) of the Crown Pastoral Land Act 1998 a lessee or licensee is granted a special lease of land held under the lease or licence concerned, to the extent that the lease or licence is or was subject to (or has or had the benefit of) an interest that applied in relation to the land,—
- (a) the special lease is subject to the interest (or has the benefit of the interest) as if it had been created in respect of the special lease; and
 - (b) before registering the special lease, the Registrar-General of Land must take all steps, and make all entries in the registers, necessary to record the existence of the interest.
- (4) If—
- (a) a lease or licence is surrendered, and in exchange the lessee or licensee is granted a new lease or licence of land held under it; or
 - (b) on the expiry of a lease or licence, the lessee or licensee is granted a new lease or licence of land held under it; or
 - (c) on the expiry of a lease or licence, the lessee or licensee is granted a renewal of it; or
 - (d) the former lessee of any land buys an estate in fee simple in land held under it on deferred payments, under a licence granted (so far as the land in which the estate is being bought is concerned) in substitution for the former lease,—

the new, renewed, or substituted lease or licence is subject to (or has the benefit of) every interest to which the surrendered, expired, or former lease or licence was subject (or had the benefit of); and the Registrar-General of Land must record the interest on it (if more than 1, in order of their registered priority).

Section 114: replaced, on 23 June 1998, by section 4 of the Land Amendment Act 1998 (1998 No 66).

Section 114(2)(b): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 114(3)(b): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 114(4): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

115 Lost lease or licence

- (1) The Board on being satisfied that any lease or licence (not being a lease or licence registered under the Land Transfer Act 2017) has been lost or accidentally destroyed, may issue a new lease or licence in lieu thereof, on such terms and conditions and on payment of such fee in each case as it thinks fit.
- (2) Where any endorsement is required to be made on any such lease or licence that has been lost or destroyed, the Board may issue a new lease or licence in lieu thereof, and may make the required endorsement thereon, or, if it thinks fit,

may incorporate the substance of the endorsement with the terms of the original lease or licence and insert them together in the new lease or licence.

Compare: 1924 No 31 s 103

Section 115(1): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

116 Title to issue on payment of purchase price

- (1) A purchase of land for cash or on deferred payments, or a lessee or licensee who exercises any right which the lessee or licensee may have to purchase the fee simple of the land comprised in the lease or licence, shall, on completion of the payment of the purchase price, and on payment of such title fee as may be prescribed, be entitled to a record of title under the Land Transfer Act 2017 in respect of that land.
- (2) No authority other than a certificate by the chief executive within the meaning of section 4 of the Cadastral Survey Act 2002 or the Surveyor-General as provided for in subsection (3) is necessary for the issue of a record of title under subsection (1).
- (3) On completion of all necessary surveys (if any) the chief executive within the meaning of section 4 of the Cadastral Survey Act 2002 or the Surveyor-General may file in the office of the Registrar-General of Land a certificate in the form set out in Schedule 2 of this Act certified as correct by the chief executive within the meaning of section 4 of the Cadastral Survey Act 2002 or the Surveyor-General. Every such certificate has the same effect as a warrant issued under section 12 of the Land Transfer Act 1952, and the Registrar-General of Land must issue a record of title for the land under the Land Transfer Act 2017.
- (4) The land comprised in any record of title issued pursuant to such a certificate by the Director-General within the meaning of section 2 of the Survey Act 1986 or any Chief Surveyor shall be deemed to be subject to the Land Transfer Act 2017 as from the date fixed by the last-mentioned certificate as the date of acquisition of title thereto, and that date shall for all purposes whatsoever be deemed the antevesting date in the same manner as if the antevesting date had been inserted in a Crown grant of the land.
- (5) The date fixed by the certificate of the Director-General within the meaning of section 2 of the Survey Act 1986 or any Chief Surveyor as the date of acquisition of title to the land comprised in that certificate shall,—
 - (a) in the case of a purchase for cash, be the date of payment of all money as aforesaid:
 - (b) in the case of a purchase pursuant to the right of purchase contained or implied in any lease or licence, be the date of payment of all money as aforesaid or the date on which the lease or licence has expired, whichever is the earlier.

- (6) Every certificate by the Director-General within the meaning of section 2 of the Survey Act 1986 or any Chief Surveyor under this section shall be conclusive evidence to the Registrar-General of Land of the matters required by this section to be therein stated.
- (7) If it appears that the estate of any person named in a certificate filed under subsection (3) as entitled to the land described in the certificate has become vested in any other person claiming through the named person, the Registrar-General of Land may issue a record of title direct to the other person. The record of title must be made subject to all encumbrances, estates, and interests appearing to affect the land at the date the record of title is issued.
- (8) Where any land owned by the Crown is to be granted in fee simple under the authority of this Act or of any other Act, the grant and issue of a record of title in lieu of a Crown grant to the person entitled thereto may be effected in the manner provided by the foregoing provisions of this section, which provisions shall extend and apply with such modifications as are necessary. The provisions of this subsection shall be in addition to and not in substitution for any other authority providing for the issue of or conveyance of title to land alienated from the Crown.

Section 116: replaced, on 1 July 1996, by section 5 of the Survey Amendment Act 1996 (1996 No 55).

Section 116(1): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 116(2): replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 116(3): replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 116(4): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 116(6): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 116(7): replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 116(8): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Resumption of lands

117 Land held under lease or licence may be resumed

- (1) The Governor-General may, by Proclamation, resume possession of the whole or any portion of any land held under lease or licence if in his opinion the land is required for a road, or street, or any public purpose, or is required for mining, or coal mining, or oil boring purposes, or if it is deemed by him to contain coal, or any mineral, or any mineral spring, hot spring, mud spring, geyser, or natural gas; and in that case the lease or licence shall, as from a date to be spe-

cified in the Proclamation, be determined in so far as it relates to the lands specified in that behalf in the Proclamation.

- (2) Upon resumption of part of any land held on lease or licence (other than deferred-payment licence) the rent payable by the lessee or licensee shall be abated in the proportion to the whole rent payable under the lease or licence which the value of the area so resumed bears to the value of the whole area so held, excluding in each case the value of improvements belonging to the lessee or licensee; and upon resumption of the whole or any part of the land held by him the lessee or licensee shall be entitled to compensation for any improvements belonging to him 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 licence over the land so resumed.
- (3) Upon resumption of any land held on deferred-payment licence, the licensee shall be entitled to compensation for his interest in the land so resumed and in the improvements thereon, having regard, in cases where part only of the land so held is resumed, to the balance of purchase money apportioned to that part under the next succeeding subsection.
- (4) Where possession is resumed of part only of the land comprised in a deferred-payment licence, the balance of purchase money then owing shall be apportioned between the area resumed and the balance of the land in the proportion which the value of the area resumed bears to the value of the balance of the land in the licence, excluding in each case the value of improvement belonging to the licensee, and thereupon such adjustments as may be necessary shall be made in respect of future instalments of purchase money and interest apportioned to the portion of the land not resumed.
- (5) If the Board and the licensee are unable to agree as to the amount of purchase money to be apportioned to the land so resumed, the amount shall be determined by the Land Valuation Tribunal.
- (6) Every lessee or licensee having any estate or interest in any land injuriously affected by reason of any such resumption shall be entitled to full compensation for that injurious affection.
- (7) If by reason of such resumption any portion of the land is so severed from the rest as in the opinion of the lessee or licensee greatly to diminish the value thereof, he shall be entitled to surrender any portion so severed, and shall be entitled to a further proportionate abatement of rent, or to a reduction of the purchase money in the case of a deferred-payment licence, and to compensation as if the portion so surrendered had been actually resumed.

Compare: 1924 No 31 ss 15, 135, 230(b), 257(2); 1926 No 49 s 3(3)(b); 1928 No 5 s 15

Section 117(2): amended, on 28 September 1954, by section 6 of the Land Amendment Act 1954 (1954 No 37).

Section 117(5): amended, on 23 December 1977, pursuant to section 6(7A) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

118 Lease or licence in exchange for land resumed

- (1) Where the whole or portion of any Crown land held under a lease or licence is resumed under the last preceding section, or has been resumed under the corresponding provisions of any former Land Act, or is or has heretofore been taken under the Public Works Act 1981 for any public work, and the lessee or licensee has agreed to accept as compensation in whole or in part therefor a lease or licence of any other Crown land, a lease or licence of that other land may, notwithstanding anything to the contrary in this or in any other Act, be granted to him accordingly.
- (2) Any such land may be incorporated in the original lease or licence or in any other lease or licence held by the lessee or licensee.

Compare: 1924 No 31 s 151

Section 118(1): amended, on 1 February 1982, pursuant to section 248(1) of the Public Works Act 1981 (1981 No 35).

Part 6 Advances to Crown tenants

119 Advances to develop land held under lease or licence

- (1) For the purpose of facilitating the settlement of Crown land or of assisting lessees or licensees of Crown land in the development of their holdings, the Board may make advances or readvances for—
 - (a) the erection, protection, preservation, and improvement of buildings on the land:
 - (b) the clearing, draining, fencing, cultivation, grassing, or general improvement of the land:
 - (c) the provision of electric power, telephone services, and water:
 - (d) the purchase of fencing materials, grass seed, lime, manure, implements, farm machinery, and other things required for the profitable occupation of the land:
 - (e) the purchase of livestock to depasture on the land.
- (2) The amount of any advance under this section may be paid from time to time by progress payments.
- (3) The power to make readvances under subsection (1) is hereby declared to include power to readvance on current account for the purposes set out in that subsection, or for the purpose of enabling lessees or licensees to liquidate seasonal or other expenditure relative to their farming operations, any proceeds derived from the sale of livestock, chattels, or produce, and credited to the current account.
- (4) *[Repealed]*

Compare: 1929 No 8 ss 7, 14; 1931 No 40 s 7; 1933 No 44 s 6; 1934–35 No 48 s 7; 1940 No 6 s 35

Section 119(4): repealed, on 13 December 1979, by section 3(2)(c) of the Hunter Gift for the Settlement of Discharged Soldiers Amendment Act 1979 (1979 No 92).

120 Advances to purchase additional lease or licence

Where the Board is satisfied that the area of Crown land held by any lessee or licensee is too small to be successfully occupied as an independent farm unit, it may authorise the making of an advance to enable him to purchase the interest of a lessee or licensee in any other Crown land which can be conveniently farmed with the land already held.

121 Security for advances

- (1) All moneys advanced under the last 2 preceding sections shall be secured by way of mortgage to the Crown over the lessee's or licensee's interest in the land and, in the case of an advance for the purchase of livestock and chattels, by a bill of sale over his livestock and chattels. Any such mortgage and bill of sale shall be in such form, for such term, and subject to such conditions as the Board may approve, and at such rate of interest as may be approved by the Minister of Finance.
- (2) If any such advance is secured by mortgage providing for payment of principal and interest by instalments, and the lessee or licensee (not being in arrear with any previous instalment or other payment due under his lease or licence) pays an instalment on or before its due date, or within 1 month after its due date, he shall be entitled to a rebate of such proportion as may be fixed by the Minister of Finance of so much of the instalment as consists of interest. Any rebate under this subsection may be deducted and retained by the lessee or licensee from the full amount of the instalment when making the payment. For the purposes of this subsection, a payment of an instalment shall be deemed to have been made within the period of 1 month if within that period it is in course of transmission by post to the department.
- (3) In cases of hardship the Board may postpone or remit the payment of interest on any such advance or, in the case of an advance repayable by instalments, may postpone the payment of any instalment, and may also remit the interest portion of any instalment. Moneys postponed under this subsection shall not be deemed to be payments in arrear for the purposes of the last preceding subsection.
- (4) The decision of the Commissioner as to the granting or refusing of any rebate under this section shall be final and conclusive.

Compare: 1929 No 8 ss 7(3), 14(3)

Section 121(2): amended, on 1 January 1969, by section 3(1) of the Land Amendment Act 1968 (1968 No 50).

Part 7

Acquisition of fee simple and modification of existing leases and licences

122 Right of acquisition of fee simple

- (1) In this section and the next 2 succeeding sections **lease** means a renewable lease under this Act under which the lessee has the right of acquiring the fee simple; a lease with perpetual right of renewal, absolute or conditional (other than a lease of land comprised in an endowment or reserve vested in any corporate body or person and administered by a Land Board) granted under any former Land Act and current at the commencement of this Act; a lease over any land acquired by the Crown under section 85 of the Maori Reserved Land Act 1955, or any former Maori Townships Act, current at the date of that acquisition or at the commencement of this Act, whichever is the later; a lease with perpetual right of renewal over an education reserve or endowment administered by a Land Board granted under the Education Reserves Act 1928, or any former Education Reserves Act, and current at the commencement of this Act; a lease in perpetuity current at the commencement of this Act; a licence for occupation with right of purchase current at the commencement of this Act; a renewable lease under this Act granted as a renewal of or in exchange for a lease granted under the Hanmer Crown Leases Act 1928 current at the commencement of this Act; a lease of land in the Hanmer Town area granted under section 366 of the Land Act 1924 or the corresponding provisions of any former Land Act and current at the commencement of this Act, or a renewable lease under this Act granted as a renewal of or in exchange for a lease under that section or those provisions; or a licence for the occupation of pastoral land within a mining district issued pursuant to regulations under the Land Act 1924, or any former Land Act, and current at the commencement of this Act; and **lessee** has a corresponding meaning.
- (2) Every lessee who has complied with all the conditions of his lease may at any time during the currency of his lease acquire the fee simple of the land comprised therein upon the terms and subject to the conditions defined and at a price ascertained and determined in the manner provided by this section.
- (3) The right of purchase hereby conferred may be exercised by giving notice to the Commissioner and at the same time paying the prescribed valuation fee.
- (4) The delivery of the notice to the Commissioner shall constitute a contract between the lessee and the Crown for the purchase and sale of the land.
- (5) As soon as possible after receipt of the notice, the Board shall cause the following values to be ascertained:
 - (a) the value of the improvements which are then in existence and unexhausted on the land included in the lease:

- (b) the value at the commencement of the lease of all improvements included in the rental value at the commencement of the lease:
 - (c) the value of the land included in the lease exclusive of the improvements referred to in paragraph (a):
- provided that, subject to the provisions of this Act,—
- (i) in ascertaining the values under paragraphs (a) and (c) equal emphasis shall be placed on the value to be ascertained under each paragraph:
 - (ii) the values shall be ascertained on an equitable basis, having regard to the relationship between lessor and lessee:
 - (iii) the sum of the values under paragraphs (a) and (c) shall be equal to the capital value of the land:
 - (iv) the determination of the Board of the value under paragraph (b) shall be final and binding on all persons interested therein.
- (6) For the purposes of the last preceding subsection, the expression **capital value** means the sum which the land and improvements thereon might be expected to realise at the time of valuation if offered for sale, unencumbered by any mortgage or other charge thereon, on such reasonable terms and conditions as a bona fide seller might be expected to require.
- (7) Subject to the rights of the lessee under subsection (10), the purchase price of the land shall be the sum of the values under paragraphs (b) and (c) of subsection (5), less the value of any goodwill the lessee may have in his lease calculated in accordance with subsection (7A).
- (7A) For the purpose of calculating the value of the goodwill (if any) of the lessee in his lease, the following provisions shall apply:
- (a) the Board shall first ascertain—
 - (i) the amount of the yearly rent on the purchase price of the land established under subsection (7) (excluding any provision for goodwill) calculated at a percentage of that purchase price, which percentage shall be determined in accordance with subsection (7B):
 - (ii) the unexpired term of the lease that, for the purposes of this subsection, shall be the unexpired term of the current period of 11 years of the lease or, where there is no provision in the lease for a review of rent at successive periods of 11 years, the unexpired term of the lease or 11 years, whichever is the lesser:
 - (b) the value of the lessee's goodwill in the lease shall then be calculated on an actuarial basis as the lessee's interest in the present value of the excess (if any) of the annual rent, established under subparagraph (i) of paragraph (a), over the annual rent payable under the lease for the unexpired term ascertained under subparagraph (ii) of that paragraph. The rate of interest for the purpose of the calculation shall be equal to the

- percentage of the purchase price adopted in order to ascertain the amount of the yearly rent for the purposes of subparagraph (i) of paragraph (a), calculated with half-yearly rests:
- (c) where the Board is of the opinion that, in the case of a lease of farm land, the value ascertained under paragraph (c) of subsection (5) includes a potential value for purposes other than farming purposes, the Board shall also ascertain the value of the land as if unaffected by that potential value, and the value so ascertained shall, notwithstanding the provisions of subparagraph (i) of paragraph (a), be used for the purpose of calculating the value of the lessee's goodwill in the lease under this subsection.
- (7B) For the purposes of paragraph (a) of subsection (7A), the yearly rent shall be calculated—
- (a) at the percentage or proportion of the rental value prescribed by or under any Act by which the yearly rent was determined for the current term of the lease:
 - (b) at 4.5% of the rental value, in any case where the yearly rent for the current term of the lease was determined in any other manner or where no specific percentage or proportion was so prescribed.
- (7C) For the purposes of subsection (7A), and notwithstanding anything in that subsection or in subsection (7B),—
- (a) where the lessee is a serviceman or discharged serviceman and the yearly rent has been determined pursuant to section 29 of the Statutes Amendment Act 1943 or subsection (5) of section 63 of this Act or the lessee is in receipt of a concession allowed by the Board under section 153 of this Act, then, notwithstanding the provisions of the lease, the percentage or proportion of the rental value of the land and the rental value of the land shall be the percentage or proportion of the rental value of the land and the rental value of the land, respectively, which would become applicable on the transfer, sublease, or other disposition of the lease to any person not being a serviceman or discharged serviceman:
 - (b) where the lessee has been granted any other concession by the Board, no account shall be taken of that concession:
 - (c) where land has been incorporated in a lease pursuant to section 113 and the current yearly rent payable under the lease has been determined in more than 1 manner or by more than 1 percentage or proportion of the rental value of the land, then, subject to paragraphs (a) and (b), the yearly rent shall be calculated at 4.5% of the rental value of the land.
- (8) As soon as practicable after the values have been ascertained under subsection (5), and the value of the lessee's goodwill (if any) in the lease has been ascertained under subsection (7A), the Commissioner shall deliver to the lessee a

notice in writing informing him of those values, the amount of the value of the goodwill (if any), and the purchase price of the land.

- (9) If the Board omits to cause the said values to be ascertained, or the Commissioner omits to deliver the said notice to the lessee within such time as may be reasonable, the lessee may require the values to be ascertained and notice to be given at any time thereafter, so long as he remains in possession of the land, whether the term of his lease has or has not expired, and his right to acquire the fee simple shall not be affected by any such omission or delay.
- (10) Within 1 month after the receipt of the notice referred to in subsection (8), the lessee shall elect by notice in writing to the Commissioner whether to purchase the land for cash or on deferred payments, and shall state in the notice whether he agrees to the purchase price set out in the notice given him by the Commissioner, or whether he requires the purchase price to be determined by the Land Valuation Tribunal as hereinafter provided. If the lessee omits to give to the Commissioner within the time limited therefor notice of his election as aforesaid, he shall be deemed to have agreed to the values set out in the notice given him by the Commissioner and to have elected to purchase the fee simple for cash at the purchase price set out therein.
- (11) The right of purchase conferred by this section on the holder of a lease in perpetuity, or of a licence for occupation with right of purchase, or of any lease under which the lessee or licensee has the right to acquire the fee simple at a price specified in the lease or licence, or of any lease over any land acquired by the Crown under section 85 of the Maori Reserved Land Act 1955 or any former Maori Townships Act, shall be in addition to, and not in substitution for, any right which the lessee or licensee already has of acquiring the fee simple of the land conferred by his lease or licence or by any former Land Act. In the case of any other lease, the right conferred by this section is in substitution for any right (absolute or conditional) that the lessee already has of acquiring the fee simple, and no such right conferred by any such lease current at the commencement of this Act shall be exercisable after the commencement of this Act.

Section 122: replaced (with effect on 1 April 1949), on 1 December 1950, by section 13 of the Land Amendment Act 1950 (1950 No 96).

Section 122(1): amended, on 25 October 1960, by section 3(1)(a) of the Land Amendment Act 1960 (1960 No 68).

Section 122(1): amended, on 25 October 1960, by section 3(1)(b) of the Land Amendment Act 1960 (1960 No 68).

Section 122(1): amended, on 1 January 1956, pursuant to section 93(1) of the Maori Reserved Land Act 1955 (1955 No 38).

Section 122(5): replaced, on 1 January 1971, by section 6(1) of the Land Amendment Act 1970 (1970 No 122).

Section 122(7): replaced, on 1 January 1971, by section 6(2) of the Land Amendment Act 1970 (1970 No 122).

Section 122(7A): inserted, on 1 January 1971, by section 6(2) of the Land Amendment Act 1970 (1970 No 122).

Section 122(7B): inserted, on 1 January 1971, by section 6(2) of the Land Amendment Act 1970 (1970 No 122).

Section 122(7C): inserted, on 1 January 1971, by section 6(2) of the Land Amendment Act 1970 (1970 No 122).

Section 122(8): replaced, on 1 January 1971, by section 6(3) of the Land Amendment Act 1970 (1970 No 122).

Section 122(10): amended, on 21 November 1977, by section 6 of the Land Amendment Act 1977 (1977 No 51).

Section 122(11): amended, on 1 January 1956, pursuant to section 93(1) of the Maori Reserved Land Act 1955 (1955 No 38).

123 Appeal to Land Valuation Tribunal

- (1) Where the lessee requires the values set out in subsection (5) or the value ascertained by the Board pursuant to paragraph (c) of subsection (7A) of the last preceding section to be determined by the Land Valuation Tribunal, the Commissioner shall, as soon as possible after the notice of the lessee's requirement in that behalf has been received, file in the appropriate office of the District Court (as defined in section 2 of the Land Valuation Proceedings Act 1948) an application to have the said values or, as the case may be, the value so ascertained determined by the Land Valuation Tribunal. The application shall be accompanied by a copy of the Commissioner's notification to the lessee pursuant to subsection (8) of the last preceding section, and a copy of the lessee's notice given pursuant to subsection (10) of that section.

- (2) After hearing the application, the Land Valuation Tribunal shall determine the values set out in subsection (5) or the value ascertained by the Board pursuant to paragraph (c) of subsection (7A) of the last preceding section. Subject to the right of appeal to the Administrative Division of the High Court vested in any party, the purchase price of the land shall be fixed in accordance with the values so determined by the Tribunal:

provided that, notwithstanding anything hereinbefore contained, the Land Valuation Tribunal or the Administrative Division of the High Court shall not determine the value of the improvements referred to in paragraph (b) of subsection (5) of section 122 to be less than the value of improvements on the land at the commencement of the lease as recorded in the schedule to the lease:

provided also that where, on a revaluation under section 139 or the corresponding provisions of any former Land Act, the value of the improvements referred to in the said paragraph (b) has been reduced, then, for the purposes of this section the value of those improvements as determined on that revaluation shall be deemed to be their value at the commencement of the lease.

- (3) *[Repealed]*

- (4) *[Repealed]*

Section 123 heading: amended, on 23 December 1977, pursuant to section 6(3) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 123(1): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Section 123(1): amended, on 1 September 1977, by section 6(3) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 123(1): amended, on 1 January 1971, by section 7(1)(a) of the Land Amendment Act 1970 (1970 No 122).

Section 123(1): amended, on 1 January 1971, by section 7(1)(b) of the Land Amendment Act 1970 (1970 No 122).

Section 123(2): amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

Section 123(2): amended, on 1 September 1977, by section 6(3) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 123(2): amended, on 1 January 1971, by section 7(1)(c) of the Land Amendment Act 1970 (1970 No 122).

Section 123(2): amended, on 1 April 1969, pursuant to section 2(4) of the Land Valuation Proceedings Amendment Act 1968 (1968 No 42).

Section 123(2) first proviso: replaced, on 1 January 1971, by section 7(2) of the Land Amendment Act 1970 (1970 No 122).

Section 123(2) first proviso: amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

Section 123(2) first proviso: amended, on 1 September 1977, by section 6(3) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 123(2) second proviso: inserted, on 1 January 1971, by section 7(2) of the Land Amendment Act 1970 (1970 No 122).

Section 123(3): repealed, on 1 January 1971, by section 7(3) of the Land Amendment Act 1970 (1970 No 122).

Section 123(4): repealed, on 1 January 1971, by section 7(3) of the Land Amendment Act 1970 (1970 No 122).

124 Payment of purchase money

- (1) If the lessee elects to purchase for cash, he shall within 3 months after the delivery of the notice required to be given to him by subsection (8) of section 122, or, as the case may be, within 3 months after the making of the order of the Land Valuation Tribunal (where the lessee has required the values referred to in subsection (5) of that section to be determined by the Tribunal), pay the purchase price together with all rent accrued and accruing due under the lease up to the date of receipt of that payment by the Commissioner and the balance of purchase price owing by the lessee in respect of the purchase by the lessee from the lessor of any improvements on the land included in the lease, and not secured by any encumbrance registered against the lease, and upon those payments being made in full the purchase shall be deemed to have been completed and the lessee shall be entitled to a record of title in respect of the land purchased.
- (2) If the lessee elects to purchase upon deferred payments, the following provisions shall apply:

- (a) he shall within 3 months after the delivery of the notice required to be given to him pursuant to subsection (8) of section 122, or, as the case may be, within 3 months after the making of the order of the Land Valuation Tribunal (where the lessee has required the said values to be determined by the Tribunal), pay a deposit of such amount as may be fixed by the Board, together with all rent accrued and accruing due under the lease up to the date of receipt of that deposit by the Commissioner:
 - (b) upon such payment the lease shall determine, and the lessee shall hold the land under deferred-payment licence from the date of payment.
- (3) If the lessee makes default in any payment required by either of the last 2 preceding subsections within the times aforesaid, the Board may, in its discretion, cancel and determine the contract of purchase, and the lessee shall continue to hold the land under his lease; and in any such case the lessee shall not, without the approval of the Commissioner, be entitled again to give notice exercising his right of purchase until the expiry of 5 years after the delivery to him of the notice under subsection (8) of section 122.

Compare: 1924 No 31 ss 169, 173; 1926 No 49 s 6

Section 124(1): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 124(1): amended, on 1 September 1977, by section 6(3) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 124(1): amended, on 1 January 1971, by section 8 of the Land Amendment Act 1970 (1970 No 122).

Section 124(1): amended, on 5 December 1951, by section 8(4) of the Land Amendment Act 1951 (1951 No 60).

Section 124(1): amended, on 1 December 1950, by section 15(a) of the Land Amendment Act 1950 (1950 No 96).

Section 124(2)(a): amended, on 1 September 1977, by section 6(3) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 124(2)(a): amended, on 1 December 1950, by section 15(b) of the Land Amendment Act 1950 (1950 No 96).

124A Additional right to acquire fee simple in land subject to lease in perpetuity

- (1) Every lessee under a lease in perpetuity may, at any time during the currency of that lease, acquire the fee simple of the land comprised in that lease by paying to the Commissioner an amount equal to the rental value upon which the yearly rent for that land is calculated together with all rent accrued and accruing under that lease up to the date of payment; and upon the making of that payment, acquisition shall be deemed to have been completed, and that lessee shall be entitled to a record of title in respect of that land.
- (2) The right conferred by this section to acquire the fee simple of any land is in addition to any other right its lessee may have to purchase or acquire that fee simple.

Section 124A: inserted, on 17 December 1982, by section 3 of the Land Amendment Act 1982 (1982 No 183).

Section 124A(1): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

125 Renewals of existing leases

- (1) The holder of any lease within the meaning of section 122 who exercises his right of renewal shall, notwithstanding anything contained in his lease or in any former Land Act or in any other Act as to the terms, conditions, and covenants to be included in the renewal lease, be granted a renewal lease in accordance with the appropriate provisions of this Act.
- (2) The provisions of the last preceding subsection shall apply to leases current at the commencement of this Act of land comprised in a reserve or endowment vested in a corporate body or person and administered by the Board:
provided that nothing contained in that subsection shall confer on the holder of any lease mentioned in this subsection the right of acquiring the fee simple.
- (3) Where any land is held at the commencement of this Act on pastoral licence granted under any former Land Act, the Board shall as soon as possible after the commencement of this Act determine whether the land should be held on pastoral lease or be disposed of under any other tenure under this Act:
provided that the Board may determine that the whole or any part of the land shall not again be made available for disposal under this Act.
- (3A) Where in any such case the Board determines that the land should be held on pastoral lease, the licensee shall on the expiration of the current term of the licence be entitled to a renewal lease of the land as if the pastoral licence owned by him were a pastoral lease under this Act.
- (3B) Where the Board determines that the land should be disposed of under any tenure under this Act other than a pastoral lease, then, on the expiration of the current term of the licence,—
 - (a) the Board may, without public notice under section 53, allot to the licensee on the tenure so determined the whole or any part of the land in accordance with the provisions of section 54:
 - (b) if the land or any part of the land is not allotted to the licensee under any tenure under this Act, the provisions of section 109 shall apply as if the expired licence were a pastoral occupation licence under this Act for a term of not less than 5 years.
- (4) The holder of a lease in perpetuity or of a licence for occupation with right of purchase who during the currency of his lease or licence surrenders his lease or licence in exchange for a renewable lease of the same land or who, in the case of a licence for occupation with right of purchase, on the expiry of that licence exercises his right to have a renewable lease of the same land issued to him shall, notwithstanding anything contained in his lease or licence or in any for-

mer Land Act, receive a renewable lease under the provisions of this Act. The rental value of the land, the value of improvements, and the yearly rent for the purposes of any such renewable lease shall be calculated in accordance with the provisions of Part 8, and, in the case of an exchange, shall be so calculated as if the surrendered lease or licence were a renewable lease which had expired on the date of the surrender and as if the lessee or licensee were entitled to a renewal thereof on that date.

Section 125(2): amended, on 25 October 1960, by section 3(2) of the Land Amendment Act 1960 (1960 No 68).

Section 125(2): amended, on 1 December 1950, by section 9(2) of the Land Amendment Act 1950 (1950 No 96).

Section 125(3): replaced, on 19 October 1965, by section 17 of the Land Amendment Act 1965 (1965 No 48).

Section 125(3A): inserted, on 19 October 1965, by section 17 of the Land Amendment Act 1965 (1965 No 48).

Section 125(3B): inserted, on 19 October 1965, by section 17 of the Land Amendment Act 1965 (1965 No 48).

Section 125(4): inserted, on 21 October 1949, by section 31(2) of the Statutes Amendment Act 1949 (1949 No 51).

126 Exchange of certain existing leases for renewable leases under this Act

- (1) The holder of a lease to which subsection (1) or subsection (2) of the last preceding section applies may, with the consent of every person having a registered interest in the lease, at any time during the term thereof surrender his lease and obtain in exchange therefor a renewable lease under this Act over the land comprised in the surrendered lease:

provided that any renewable lease granted under this subsection in exchange for a lease of land comprised in an endowment or reserve vested in any corporate body or person and administered by the Board shall not confer on the lessee any right of acquiring the fee simple.

- (2) The rental value of the land, the value of improvements, and the yearly rent for the purposes of any new lease granted under the last preceding subsection shall be calculated in accordance with the provisions of Part 8 as if the surrendered lease had expired on the date of surrender and as if the lessee were entitled to a renewal thereof on that date.
- (3) The term of every such new lease shall be computed from 1 January or 1 July, as the case may be, next after the date of surrender.
- (4) Where the lessee surrenders his lease and receives in exchange a renewable lease under this Act pursuant to the foregoing provisions of this section, the lessee shall be entitled to purchase, in accordance with the provisions of Part 8, the improvements on the land that do not belong to the lessee as if the surrendered lease had expired on the date of surrender and as if the lessee were entitled to a renewal thereof on that date.

Compare: 1924 No 31 ss 209, 210, 211, 242

Section 126(1) proviso: amended, on 25 October 1960, by section 3(3) of the Land Amendment Act 1960 (1960 No 68).

Section 126(1) proviso: amended, on 1 December 1950, by section 9(3) of the Land Amendment Act 1950 (1950 No 96).

Section 126(4): inserted, on 5 December 1951, by section 11 of the Land Amendment Act 1951 (1951 No 60).

126A Exchange of pastoral leases for renewable leases

[Repealed]

Section 126A: repealed, on 23 June 1998, by section 104 of the Crown Pastoral Land Act 1998 (1998 No 65).

127 Exchange of deferred-payment licences

- (1) The holder of a deferred-payment licence granted under any former Land Act and current at the commencement of this Act may, with the consent of every person having a registered interest in the licence, at any time surrender his licence and obtain in exchange therefor a new deferred-payment licence under this Act over the land comprised in the surrendered licence.
- (2) The holder of a deferred-payment licence granted under this Act may at any time, with the consent of the Board and of every person having a registered interest in the licence, surrender his licence and obtain a new deferred-payment licence over the land comprised in the surrendered licence.
- (3) The term of every such new licence shall be computed from 1 January or 1 July, as the case may be, next after the date of surrender.
- (4) The purchase money payable under the new licence shall be the balance of the purchase money under the surrendered licence outstanding at the date of surrender:

provided that any amount outstanding in respect of interest at the date of commencement of the term of the new licence may, in the discretion of the Board, be added to and form part of the purchase money under the new licence.

128 Special provisions as to leases of unclaimed land granted under the Public Trust Office Act 1908

- (1) The provisions of sections 122 to 126 shall apply to every lease current at the commencement of this Act granted under section 68 of the Public Trust Office Act 1908 of unclaimed land that, by virtue of section 76 of that Act, has become the property of the Crown before the commencement of this Act, or becomes the property of the Crown at any time after the commencement of this Act, as if those leases were renewable leases under a former Land Act.
- (2) *[Repealed]*
- (3) *[Repealed]*

Section 128(2): repealed, on 1 April 1958, by section 142(1) of the Public Trust Office Act 1957 (1957 No 36).

Section 128(3): repealed, on 1 April 1958, by section 142(1) of the Public Trust Office Act 1957 (1957 No 36).

129 Special provisions as to certain leases of land in the Hanmer Town area

Where land in the Hanmer Town area is at the commencement of this Act subject to a lease granted under section 366 of the Land Act 1924, the lessee may, at any time during the currency of the lease, surrender his lease and obtain in lieu thereof a renewable lease under this Act.

Section 129: amended, on 25 October 1960, by section 3(4) of the Land Amendment Act 1960 (1960 No 68).

Part 8 Renewals of renewable leases

130 Rent on renewal of renewable lease

Notwithstanding anything contained in any lease or in any former Land Act, the yearly rent payable in the first and each subsequent renewal of a renewable lease granted under this Act or any former Land Act shall be determined in accordance with the provisions of this Part.

Compare: 1924 No 31 s 197

131 Valuation for calculation of renewal rent

- (1) Not earlier than 2 years and not later than 1 year before the expiry of a renewable lease, the Board shall cause the following values to be ascertained:
 - (a) the value of the improvements which are then in existence and unexhausted on the land included in the lease:
 - (b) the value at the commencement of the lease of all improvements included in the rental value at the commencement of the lease:
 - (c) the value of the land included in the lease exclusive of the improvements referred to in paragraph (a):provided that, subject to the provisions of this Act,—
 - (i) in ascertaining the values under paragraphs (a) and (c), equal emphasis shall be placed on the value to be ascertained under each paragraph:
 - (ii) the values shall be ascertained on an equitable basis, having regard to the relationship between lessor and lessee:
 - (iii) the sum of the values under paragraphs (a) and (c) shall be equal to the capital value of the land.
- (2) For the purposes of the last preceding subsection, the expression **capital value** means the sum which the land and improvements thereon might be expected to realise at the time of valuation if offered for sale, unencumbered by any mort-

- gage or other charge thereon, on such reasonable terms and conditions as a bona fide seller might be expected to require.
- (3) In respect of the improvements referred to in paragraph (b) of subsection (1) the lessee shall, as the Board may determine, either—
- (a) purchase the improvements at the value determined either for cash or by instalments, together with interest at such rate as may be fixed by the Minister of Finance, over such period not exceeding 30 years as may be determined by the Board; or
 - (b) pay interest at the rate of 4.5% per annum on the value so determined, in the same manner as rent.
- (4) The rental value of the land for the first period of 11 years of the term of the new lease shall be the value of the land as determined under paragraph (c) of subsection (1), and where the lessee is required pursuant to the last preceding subsection to pay interest on the improvements referred to in paragraph (b) of subsection (1), shall include the value of those improvements as determined under that paragraph.
- (5) The yearly rent for the first period of 11 years of the term of the new lease shall be 4.5% of the rental value as defined in subsection (4).
- (6) As soon as possible after the values have been ascertained under subsection (1), and not later than 9 months before the expiry of a renewable lease, the Commissioner shall deliver to the lessee a notice in writing informing him of those values, and requiring him to elect whether he will accept a renewal lease at the rent based on those values for the first period of 11 years of the term of the lease.
- (7) If the Board omits to cause the said values to be ascertained, or the Commissioner omits to deliver the said notice to the lessee within the prescribed times, the lessee may require the values to be ascertained and notice to be given at any time thereafter so long as he remains in possession of the land, whether the term of his lease has or has not expired, and his right to a renewal of the lease shall not be affected by any such omission or delay.

Compare: 1924 No 31 ss 198, 199, 202

Section 131(1): replaced, on 1 January 1971, by section 9(1) of the Land Amendment Act 1970 (1970 No 122).

Section 131(2) proviso: repealed, on 1 November 1950, by section 45(1) of the Servicemen's Settlement Act 1950 (1950 No 41).

Section 131(3): amended, on 1 January 1971, by section 9(2) of the Land Amendment Act 1970 (1970 No 122).

Section 131(3)(b): replaced, on 1 January 1971, by section 9(3) of the Land Amendment Act 1970 (1970 No 122).

Section 131(4): amended, on 1 January 1971, by section 9(4)(a) of the Land Amendment Act 1970 (1970 No 122).

Section 131(4): amended, on 1 January 1971, by section 9(4)(b) of the Land Amendment Act 1970 (1970 No 122).

Section 131(5): replaced, on 1 January 1971, by section 9(5) of the Land Amendment Act 1970 (1970 No 122).

Section 131(6): amended, on 1 January 1971, by section 9(6)(a) of the Land Amendment Act 1970 (1970 No 122).

Section 131(6): amended, on 1 January 1971, by section 9(6)(b) of the Land Amendment Act 1970 (1970 No 122).

Section 131(6): amended, on 1 January 1971, by section 9(6)(c) of the Land Amendment Act 1970 (1970 No 122).

132 Lessee's election

- (1) Within 3 months after the receipt of the notice referred to in section 131, notice in writing shall be given to the Commissioner by the lessee to the effect—
 - (a) that he accepts the offer of a renewal lease and agrees to pay rent based on the values set out in the notice for the first period of 11 years of the term of the lease, and agrees to purchase the improvements at the value and on the terms and conditions determined by the Board in accordance with subsection (3) of section 131 or to pay interest on the value so determined in the same manner as rent, as the Board may require; or
 - (b) that he does not desire a renewal lease, and agrees to the value of improvements as ascertained under paragraph (a) of subsection (1) of the said section 131; or
 - (c) that he does not desire a renewal lease, but requires the value of the improvements as ascertained under paragraph (a) or paragraph (b) of subsection (1) of the said section 131 to be fixed by the Land Valuation Tribunal as hereinafter provided; or
 - (d) that he desires a renewal lease, and requires the values specified in subsection (1) of the said section 131 to be fixed by the Land Valuation Tribunal as hereinafter provided.
- (2) If the lessee of a renewable lease omits to give to the Commissioner within the time limited therefor the notice referred to in the last preceding subsection, he shall be deemed to have agreed to accept a renewal lease at a rental value ascertained in accordance with subsection (4) of the last preceding section, and to have agreed to the values set out in the notice given to him by the Commissioner.

Compare: 1924 No 31 ss 200, 201

Section 132(1): replaced, on 1 January 1971, by section 10 of the Land Amendment Act 1970 (1970 No 122).

Section 132(1)(c): amended, on 1 September 1977, by section 6(3) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 132(1)(d): amended, on 1 September 1977, by section 6(3) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

132A Review of annual rent under renewable lease

- (1) Not earlier than 2 years and not later than 1 year before the end of the first and second periods of 11 years of the term of a renewable lease, the Board shall cause to be ascertained the values specified in subsection (1) of section 131 in the same manner as if for the renewal of a renewable lease.
- (2) As soon as possible after the values have been ascertained under subsection (1), and not later than 9 months before the end of the current period of 11 years of the term of the lease, the Commissioner shall deliver to the lessee a notice in writing informing him of those values and requiring him within 3 months after the receipt of the notice to advise the Commissioner in writing whether he agrees to pay the yearly rent stated in the notice for the next ensuing period of 11 years or whether he requires the values referred to in subsection (1) to be fixed by the Land Valuation Tribunal as hereinafter provided.
- (3) If the lessee omits to give to the Commissioner within the time limited therefor the notice referred to in subsection (2), he shall be deemed to have agreed to pay the yearly rent stated in the notice given to him by the Commissioner under that subsection for the next ensuing period of 11 years.
- (4) The yearly rent for the next ensuing period of 11 years shall be 4.5% of the sum of—
 - (a) the value specified in paragraph (b) of subsection (1) of section 131; and
 - (b) the value specified in paragraph (c) of that subsection, as applied for the purposes of this section by subsection (1).

Section 132A: inserted, on 1 January 1971, by section 11 of the Land Amendment Act 1970 (1970 No 122).

Section 132A(2): amended, on 1 September 1977, by section 6(3) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

133 Appeal to Land Valuation Tribunal

- (1) Where the lessee requires the values specified in subsection (1) of section 132 or subsection (1) of section 132A to be determined by the Land Valuation Tribunal as provided in subsection (1) of the said section 132 or subsection (2) of the said section 132A, as the case may be, the Commissioner shall, as soon as possible after the lessee's notification of his election is received, file in the appropriate office of the District Court (as defined in section 2 of the Land Valuation Proceedings Act 1948) an application to have the said values determined by the Tribunal. The application shall be accompanied by a copy of the Commissioner's notification to the lessee pursuant to subsection (6) of the said section 131 or subsection (2) of the said section 132A, as the case may be, and a copy of the lessee's notice of election pursuant to subsection (1) of the said section 132 or subsection (2) of the said section 132A.
- (2) After hearing the application, the Land Valuation Tribunal shall determine the values as required by the lessee or any of those values, as the case may be. Subject to any right of appeal to the High Court vested in any party, the rental

value of the land for the purposes of any renewal lease or, as the case may be, for the next ensuing period of 11 years of the term of a renewable lease, shall be fixed in accordance with the value of the land included in the lease exclusive of improvements as so determined by the Tribunal and the value of improvements, if any, as ascertained by the Board under paragraph (b) of subsection (1) of section 131:

provided that, notwithstanding anything hereinbefore contained, the Land Valuation Tribunal or the High Court shall not determine the value of the improvements referred to in paragraph (b) of subsection (1) of section 131 to be less than the value of improvements on the land at the commencement of the lease as recorded in the schedule to the lease:

provided also that where, on a revaluation under section 139 or the corresponding provisions of any former Land Act, the value of the improvements referred to in the said paragraph (b) has been reduced, then, for the purposes of this section the value of those improvements as determined on that revaluation shall be deemed to be their value at the commencement of the lease.

Section 133: replaced, on 1 January 1971, by section 12(1) of the Land Amendment Act 1970 (1970 No 122).

Section 133 heading: amended, on 1 September 1977, pursuant to section 6(3) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 133(1): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Section 133(1): amended, on 1 September 1977, by section 6(3) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 133(2): amended, on 15 August 1991, by section 3(4) of the Judicature Amendment Act 1991 (1991 No 60).

Section 133(2): amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

Section 133(2): amended, on 1 September 1977, by section 6(3) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 133(2) first proviso: amended, on 15 August 1991, by section 3(4) of the Judicature Amendment Act 1991 (1991 No 60).

Section 133(2) first proviso: amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

Section 133(2) first proviso: amended, on 1 September 1977, by section 6(3) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

134 Election by lessee after order of court

- (1) Within 2 months after the making of the order made on any application under the last preceding section, the lessee shall, except where the application is made under paragraph (c) of subsection (1) of section 132, elect whether he will accept a renewal lease at a rent based on the values as fixed by the order, and shall give notice in writing of his election to the Commissioner.
- (2) If the lessee fails to give that notice within the time aforesaid, he shall be deemed to have elected to accept a renewal lease at that rent.

- (3) Any such election to accept a renewal lease shall amount to a binding agreement to accept the lease.

Compare: 1924 No 31 s 204

Section 134(1): amended, on 1 September 1977, by section 6(3) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

135 Failure of lessee to sign renewal lease

If the lessee fails to execute a renewal lease within 1 month after the lease has been presented to him for execution, the Board may, unless it considers that the lessee had reasonable excuse for so failing, declare that his right to a renewal lease is forfeited, and his right shall thereupon determine; and the land shall be dealt with by the Board as if the lessee had elected not to accept a renewal lease.

Compare: 1924 No 31 s 204

136 Procedure where lessee does not accept renewal

- (1) Where the holder of a lease under this Act or any former Land Act elects not to accept a renewal lease, or where his right to a renewal lease is declared forfeited pursuant to the last preceding section, the land shall be offered for acquisition in accordance with the provisions of this Act, weighted with the value of the improvements belonging to the outgoing lessee as fixed in accordance with this Part.
- (2) Where land offered for acquisition in accordance with the last preceding subsection is acquired by an incoming lessee the value of the improvements shall be paid by him in cash before he is admitted into possession of the land:
provided that, with the consent of the former lessee and of any person entitled to receive payment of any amount in respect of the whole or any part of the value of the said improvements, the said value or any part thereof may be paid by instalments over a period of years or be secured by way of mortgage to the former lessee or other person entitled. Any payment by instalments over a period of years shall be subject to such conditions as to payment of interest and otherwise, and any mortgage shall contain such provisions, as the Board thinks fit.
- (3) All payments under the last preceding subsection, other than under any mortgage as therein provided, shall be made to the department and paid into a deposit account.
- (4) The value of the improvements when so paid as aforesaid shall, without further appropriation than this section, be paid by the department out of the said deposit account to the former lessee or other person entitled to receive payment, less any moneys due to the Crown in respect of the land and improvements and less also the amount of any expenses incurred in recovering possession of the land.

- (5) Save as provided in this section, no outgoing lessee or other person shall have any right or claim against Her Majesty, or the Board, or any Land Settlement Committee, or the Commissioner in respect of the value of any improvements to which he may be entitled.

Compare: 1924 No 31 s 205(1)

137 Appreciation or depreciation of improvements

- (1) If the improvements belonging to a lessee have become for any reason appreciated or depreciated in value between the date of valuation or of the order of the Land Valuation Tribunal, as the case may be, and the date of expiry of the lease or on which the lessee gives up possession, whichever is the later, the amount of this appreciation or depreciation shall be added to or deducted from the value of the improvements as fixed by the said valuation or order of the Tribunal.
- (2) If the Board and the lessee are unable to agree as to the amount of the appreciation or depreciation, the amount shall be determined by the Land Valuation Tribunal.
- (3) Where the Board is of the opinion that the disposal of any land offered for acquisition under the last preceding section is being hindered by reason of the value of the improvements being excessive or of the terms for payment being onerous, the Board may in its discretion from time to time reduce the value of the improvements or vary those terms, as the case may be, and again offer the land for acquisition. No claim shall lie against Her Majesty, or the Board, or any Land Settlement Committee, or the Commissioner by reason of any such reduction or variation.

Compare: 1924 No 31 ss 81, 205(2)

Section 137(1): amended, on 1 September 1977, by section 6(3) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 137(2): amended, on 1 September 1977, by section 6(3) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Part 9

Remissions, revaluations, forfeitures

138 Remissions and postponements

- (1) Where any lessee or licensee is unable at any time, by reason of natural disaster, abnormal climatic conditions, stock epidemic, illness of or accident to the lessee or licensee, or other cause sufficient in the opinion of the Board, to pay the rent due under his lease or licence, the Board may, on being satisfied that it would be reasonable and equitable to afford relief, remit the rent payable for any period or periods, either in whole or in part, or may postpone the payment of any rent until such date or dates, or reduce the rent for such period as it may determine.

- (2) Interest, at such rate as the Board may determine, may be charged on any rent postponed under the last preceding subsection, payable half-yearly in the same manner as rent.
- (3) Any relief granted under this section may be subject to the condition that the lessee or licensee shall effect improvements to such value and within such time as the Board determines, in addition to those which he is required to effect under the terms of his lease or licence.
- (4) On any application for consent to transfer any lease or licence of land in respect of which any rent or interest has been postponed under subsection (1), the Board may grant its consent subject to the condition that the amount of the postponed rent and interest thereon, or any part of that rent and interest, shall be paid prior to transfer.
- (5) The provisions of this section as to remissions and postponements of rent shall apply—
 - (a) to the holder of a deferred-payment licence, as if the interest payable in respect of any unpaid purchase money were rent:
 - (b) to a lessee or licensee who is purchasing any improvements belonging to the Crown, as if the interest payable in respect of any unpaid purchase money for those improvements were rent.
- (6) The provisions of this section as to postponements of rent shall apply—
 - (a) to the holder of a deferred-payment licence, as if the principal portion of any instalment of purchase money and interest were rent:
 - (b) to a lessee or licensee who is purchasing any improvements belonging to the Crown, as if the principal portion of any instalment of purchase money and interest were rent.
- (7) The provisions of this section shall apply to the holder of any lease or licence issued under any authority other than the Public Bodies Leases Act 1969 of any land set apart as an endowment for any purpose and administered by the Board: provided that no remission or postponement of rent shall be granted hereunder to any lessee or licensee of an endowment vested in any corporate body or person without the prior consent of that body or person.
- (8) Rent or interest the payment of which has been postponed under this section shall not be deemed to be rent or interest in arrear for the purpose of obtaining any rebate under this Act provided any interest payable on that postponed rent or interest is duly paid.

Compare: 1924 No 31 s 124; 1926 No 49 s 17; 1927 No 21 ss 5, 6; 1932 No 24 s 17

Section 138(7): amended, on 1 January 1970, pursuant to section 28(1)(a) of the Public Bodies Leases Act 1969 (1969 No 141).

*Revaluations***139 Application for reduction in rental value**

- (1) Subject to the provisions of subsection (3) the holder of any lease may, not earlier than 3 years nor later than 6 years after the commencement of his lease, apply in writing, addressed to the Commissioner at the principal land office in the district for a revaluation of the rental value or for a reassessment of the yearly rent, as the case may be, of the land comprised therein, and the Board may in its discretion reduce the rental value or yearly rent to such amounts as in the circumstances it thinks fit. The Board shall give written notice to the lessee of its determination on any such application, and the notice shall show separately the determination of the Board as to the value of improvements belonging to the Crown then existing on the land.
- (2) Any reduction in the rental value or yearly rent under this section shall take effect from the next half-yearly date for payment of rent under the lease following the receipt by the Board of the application.
- (3) The foregoing provisions of this section shall not apply to a lease granted under Part 7 in exchange for a lease current at the commencement of this Act, nor to a renewal lease granted under Part 8, nor to a lease granted under section 67, or section 69, or section 143, nor to any lease to which Part 10 applies.
- (4) No right conferred by any lease or licence current at the commencement of this Act, or by any former Land Act, to obtain a revaluation of the rental value or purchase price of the land comprised in any lease or licence shall be exercisable after the commencement of this Act.

Compare: 1924 No 31 s 216

Section 139(3): amended, on 19 October 1965, by section 19 of the Land Amendment Act 1965 (1965 No 48).

140 Appeal to Land Valuation Tribunal

- (1) Any lessee who is dissatisfied with the determination of the Board under the last preceding section may, within 2 months after receipt of notice of the determination, appeal from that determination to the Land Valuation Tribunal. Every such appeal shall be filed in the appropriate office of the District Court (as defined in section 2 of the Land Valuation Proceedings Act 1948), and a copy of the appeal shall be served on the Commissioner.
- (2) Every appeal under this section shall contain or be accompanied by such particulars, information, or documents as may be prescribed or as may be required by the Tribunal, and shall be verified by the statutory declaration of the applicant.
- (3) Where the rental value of the land or rent payable, as the case may be, as determined by the Land Valuation Tribunal under this section is less than the rental value or rent reserved in the lease, the rental value or rent shall be reduced accordingly, and that reduction shall take effect as from the next half-yearly

date for payment of rent under the lease following the receipt by the Board of the application.

Section 140 heading: amended, on 1 September 1977, pursuant to section 6(3) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 140(1): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Section 140(1): amended, on 1 September 1977, by section 6(3) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 140(2): amended, on 1 September 1977, by section 6(3) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 140(3): amended, on 1 September 1977, by section 6(3) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

141 Land held under deferred-payment licence

- (1) The provisions of the last 2 preceding sections shall apply to land held under a deferred-payment licence (other than a deferred-payment licence issued under Part 7) as if the holder thereof were a lessee within the meaning of those sections and as if the purchase price were the rental value.
- (2) Where the holder of a deferred-payment licence applies for a revaluation and the rental value of the land as determined by the Board or by the Land Valuation Tribunal, as the case may be, is less than the amount outstanding in respect of the purchase money at the date of the determination, the purchase price shall be reduced to the amount of the rental value as so determined as from 1 January or 1 July, as the case may be, next following the receipt by the Board of the application.
- (3) Where the purchase price is reduced in accordance with the last preceding subsection, the Board shall make such adjustments as may be appropriate in the half-yearly instalments of purchase money and interest payable.
- (4) Where the purchase price is reduced in accordance with this section, no adjustment shall be made on account of interest or purchase money paid or payable before the date from which the reduced purchase price operates.

Compare: 1926 No 49 s 3(5); 1927 No 33 s 12

Section 141(2): amended, on 1 September 1977, by section 6(3) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

142 Revaluation of improvements

- (1) A lessee or licensee who, pursuant to section 56, is purchasing any improvement belonging to the Crown may, not earlier than 3 years nor later than 6 years after the commencement of his lease or licence, apply for a revaluation of those improvements. The provisions of sections 139 and 140 shall apply, with the necessary modifications, to any applications for a revaluation of improvements under this section.
- (2) Where the value of the improvements as determined by the Board or the Land Valuation Tribunal, as the case may be, is less than the amount outstanding in

respect of the purchase price of those improvements at the date of the determination, the purchase price shall be reduced to the amount so determined as from the next half-yearly date for payment of an instalment of the purchase money and interest following the receipt by the Board of the application.

- (3) Where the purchase price of the improvements is reduced in accordance with the last preceding subsection, the Board shall make such adjustments as may be appropriate in the half-yearly instalments of purchase money and interest payable.
- (4) Where the purchase price of the improvements is reduced pursuant to the provisions of this section no adjustment shall be made on account of interest or purchase money paid or payable before the date from which the reduced purchase price operates.

Compare: 1929 No 8 s 42

Section 142(2): amended, on 1 September 1977, by section 6(3) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

143 Land reduced in value through deterioration, etc

- (1) Where the productivity of any Crown land held under lease or licence has by reason of reversion, deterioration, erosion, natural disaster, or other cause been seriously diminished, or where the land has become incapable of being successfully occupied as an independent farm unit, the Board may reduce the rental value or rent or purchase price, as the case may be, to such amount as in the circumstances it considers appropriate, or may accept a surrender of the lease or licence and again allot the land, or any part thereof to the lessee or licensee, together with such further area of Crown land as may be necessary to provide a holding which may be successfully occupied as an independent farm unit.
- (2) In allotting any land under the last preceding subsection, the Board may determine that the lease or licence shall be exempt either wholly or in part from the payment of rent and of interest on the improvements (if any) for such period and subject to such conditions as it considers in the circumstances to be equitable.
- (3) No surrender shall be accepted under subsection (1) without the consent in writing of every person having a registered interest in the lease or licence; and any land allotted under subsection (2) may be subject to the condition that the lessee or licensee shall execute an appropriate instrument granting to any person having a registered interest in the surrendered lease or licence a similar interest in the new lease or licence.

Compare: 1925 No 42; 1939 No 23 s 23

144 Certificate respecting revaluation

- (1) Where the rental value or yearly rent, or purchase price and instalments of purchase money and interest, as the case may be, are reduced under any of the last

5 preceding sections, the Commissioner shall prepare and sign a certificate setting forth the reductions in rental value or yearly rent, or in purchase price and instalments of purchase money and interest, as the case may be, and, in the latter case, the new term of years over which those instalments are payable.

- (2) The production of that certificate to the Registrar-General of Land shall be sufficient authority for him to make all proper entries on the relevant lease or licence registered in his office; and those entries shall be made accordingly.

Section 144(2): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Surrenders and forfeitures

145 Surrender of lease or licence

Any lessee or licensee may, with the approval of the Board given on such terms and subject to such conditions as it thinks fit, and with the consent of every person having a registered interest in the lease or licence, surrender the whole or any part of the land comprised in his lease or licence.

Compare: 1924 No 31 s 92; 1925 No 15 s 68

146 Lease or licence may be forfeited

- (1) Where the Board has reason to believe that any lessee or licensee is not fulfilling the conditions of his lease or licence in a bona fide manner according to their true intent and purport, the Board, after holding an inquiry into the case and giving the lessee or licensee an opportunity of explaining the non-fulfilment of the conditions, and being satisfied that any one of the grounds specified in the next succeeding subsection has been established may, with the approval of the Minister, by resolution declare the lease or licence to be forfeited.
- (2) The grounds on which a lease or licence may be declared forfeit may be any one of the following:
 - (a) that the rent or other payments under the lease or licence have not been paid within 2 months after the time when payment was due:
 - (b) that the lessee or licensee has not occupied the land comprised in his lease or licence exclusively for his own use and benefit; or, while occupying the said land for his own use and benefit nominally, has permitted other persons to derive the virtual use and benefit thereof:
 - (c) that the lessee or licensee has not complied with the conditions implied in his lease or licence by this Act or any former Land Act relating to residence, the proper management of the land, and the effecting of improvements, or with any other conditions expressed or implied in his lease or licence:

- (d) that the lessee or licensee has left New Zealand or cannot be found, or has abandoned the land comprised in his lease or licence, or is deceased and no claimant for the lease or licence can be found.
- (3) Subject to the right of appeal under section 18, the right, title, and interest of a lessee or licensee under any lease or licence declared to be forfeited under this section shall absolutely cease and determine as at the date of that declaration, and the land comprised in the lease or licence, with all improvements thereon, shall revert to Her Majesty, and, save as provided in section 150 or section 151, the lessee or licensee shall not be entitled to any compensation.

Compare: 1924 No 31 ss 56, 117, 118, 265, 266

147 Correction of register after forfeiture

- (1) Every forfeiture of a lease or licence under the last preceding section shall be notified in the *Gazette*.
- (2) Subject to the right of appeal under section 18, the production of a copy of the *Gazette* containing a notice of the forfeiture of any lease or licence shall be conclusive evidence that the lease or licence has been lawfully forfeited.
- (3) Where any lease or licence is forfeited, the Commissioner may send a notice of the forfeiture to the Registrar-General of Land, who shall enter a memorial thereof upon the register.

Compare: 1924 No 31 ss 118, 119

Section 147(3): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

148 Liability for rent up to forfeiture

In every case of the forfeiture of a lease or licence, the lessee or licensee shall be liable for rent or other payments in respect of his lease or licence accruing up to the date of forfeiture or the time when possession of the land comprised therein has been obtained by or on behalf of the Board, whichever is the later, but not afterwards.

Compare: 1924 No 31 s 121

149 Reoffering of land after forfeiture

- (1) Where a lease or licence is declared to be forfeited, the Board shall, as soon as possible after the date of the forfeiture or after recovering possession of the land, cause a valuation to be made in such manner as the Board directs of the improvements effected or purchased by the former lessee or licensee.
- (2) Subject to the provisions of section 151, as soon as possible after the valuation referred to in the last preceding subsection is made, the land shall be offered for acquisition in accordance with the provisions of this Act, weighted with the value of the improvements effected or purchased by the former lessee or licensee as determined by the said valuation.

(3) Where the Board is of opinion that the disposal of any land is being hindered by reason of the value of the improvements as provided in the last preceding subsection being excessive, the Board may in its discretion from time to time reduce the value of the improvements and again offer the land for acquisition. No claim shall lie against Her Majesty, or the Board, or any Land Settlement Committee, or the Commissioner by reason of any such reduction of valuation.

(4) *[Repealed]*

Compare: 1924 No 31 ss 80(2), 81

Section 149(4): repealed, on 1 October 2019, by section 33 of the Kāinga Ora—Homes and Communities Act 2019 (2019 No 50).

150 Improvements to be purchased by incoming lessee or licensee

(1) Where land offered for acquisition as provided in the last preceding section is acquired by an incoming lessee or licensee, the value of the improvements shall be paid by him in cash before he is admitted into possession of the land:

provided that the Board may in its discretion allow the value of the said improvements to be paid by instalments over a period of years, subject to such conditions as to the payment of interest and otherwise as the Board thinks fit:

provided also that in any case where the former lessee or licensee or any other person is entitled as hereinafter provided to receive payment of any amount in respect of the whole or any part of the value of the said improvements, the Board may, with the prior consent of the person entitled to receive the payment, allow the amount to be secured by way of mortgage to that person. Any such mortgage shall contain such provisions as to payment of interest and otherwise as the Board thinks fit.

(2) All payments under the last preceding subsection, other than under any mortgage given pursuant to the second proviso thereto, shall be made to the department and paid into a deposit account.

(3) From the amount payable by the incoming lessee or licensee there shall be deducted—

(a) any moneys due to the Crown or to any department of State in respect of the land by the former lessee or licensee:

(b) any expenses incurred in recovering possession of the land and in respect of its redisposal:

(c) any sum in respect of arrears of rates which the Board declares to be a charge on the improvement moneys;

and the balance of the amount after the deductions aforesaid shall, without further appropriation than this section, be paid by the department out of the said deposit account to the former lessee or licensee, or other person entitled to receive payment.

Compare: 1924 No 31 ss 80(3), (4), (5), 82

151 Provision where land not again opened for acquisition

- (1) Notwithstanding the provisions of the last 2 preceding sections, the Board may, in its discretion, determine that the land, or any part thereof, comprised in a forfeited lease or licence shall not be again offered for acquisition under this Act.
- (2) In any such case the value of the improvements, or such part as the Board determines, on the land, or on any part thereof, as the case may be, shall, subject to the deductions mentioned in subsection (3) of the last preceding section, be paid to the former lessee or licensee, or other person entitled to receive payment, out of moneys appropriated by Parliament for that purpose.
- (3) Save as provided in the last preceding subsection or in the last preceding section, no former lessee or licensee, or other person, shall have any right or claim against Her Majesty, or the Board, or any Land Settlement Committee, or the Commissioner, in respect of any improvements effected or purchased by him on land comprised in any lease or licence which has been declared forfeited.

Compare: 1924 No 31 s 83

Part 10

Servicemen and discharged servicemen

152 Application of this Part

- (1) This Part shall apply only to servicemen or discharged servicemen.
- (2) For the purposes of this Part, the terms **servicemen** and **discharged servicemen** shall be deemed to include the wife or widow or civil union partner or surviving civil union partner of a serviceman or of a discharged serviceman.
- (3) In this Part, the expression **1942 basic value**, in relation to any land, means the basic value thereof as determined for the purposes of this Part in accordance with the provisions of section 53 of the Servicemen's Settlement and Land Sales Act 1943.

Section 152(2): amended, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Section 152(3): inserted, on 5 December 1951, by section 12 of the Land Amendment Act 1951 (1951 No 60).

153 Variation of rental payments

- (1) Where the holder for the time being of any renewable lease is a serviceman or discharged serviceman the Board may, with the approval of the Minister, from time to time vary the yearly rent payable under his lease by reducing the rate per centum of the rental value at which this Act or any former Land Act provides that the rent shall be calculated. Any such reduction shall be for such term and subject to such conditions as the Board determines. Unless the Board otherwise determines, the provisions of section 85 shall not apply in any case where any such reduction is made.

- (2) The provisions of the last preceding subsection shall apply to land held under a deferred-payment licence as if the interest portion of the instalment payable were rent, and to land held under pastoral lease or pastoral occupation licence or lease (other than renewable lease) as if the rent payable thereunder were calculated at such rate as may be fixed by the Minister of Finance of the value of the land as estimated by the Board.
- (3) The provisions of this section shall apply whether the lease or licence has been originally granted to the lessee or licensee or has been transferred to him, and shall apply whether the lease or licence was granted under this Act or under any former Land Act.

Compare: 1943 No 20 s 29

Section 153(2): amended, on 1 January 1969, by section 3(1) of the Land Amendment Act 1968 (1968 No 50).

153A Reduction in rent to cease to operate where lease transferred to person who is not a discharged serviceman

- (1) Where—
 - (a) the yearly rent payable under any lease to which this section applies is for the time being payable at a reduced rate pursuant to section 29 of the Statutes Amendment Act 1943; and
 - (b) the lessee transfers, subleases, or otherwise disposes of the whole or any part of his interest in the lease to any person (not being a serviceman or discharged serviceman who is for the time being entitled pursuant to subsection (1) of section 153 to a variation in the yearly rent payable under the lease) or enters into an agreement to transfer, sublease, or otherwise dispose of, at any future date, his interest to any person (not being such a serviceman or discharged serviceman),—

then, notwithstanding anything in the lease or in the said section 29 or in the enactments specified in subsection (2), the yearly rent payable under the lease shall, as from the date of the registration of the transfer or sublease or other instrument of disposition or, as the case may be, the date when that person enters into possession of the land pursuant to the agreement, be the yearly rent that would have been payable under the lease if the said section 29 had not been passed.

- (2) This section applies with respect to every lease current at the commencement of this Act and granted under section 8 of the Small Farms Amendment Act 1935 or section 5 of the Small Farms Amendment Act 1939.

Section 153A: inserted (with effect on 1 April 1949), on 26 November 1953, by section 8 of the Land Amendment Act 1953 (1953 No 67).

Section 153A(1): amended, on 19 October 1965, by section 20(b) of the Land Amendment Act 1965 (1965 No 48).

Section 153A(1)(b): amended, on 19 October 1965, by section 20(a) of the Land Amendment Act 1965 (1965 No 48).

154 Servicemen to be notified of 1942 basic value

Any serviceman or discharged serviceman to whom section 155 applies and who has not before the commencement of this section been notified by the Board of the 1942 basic value as at the date of the disposal of the land as determined by the Board of the fee simple of the land held by him shall be entitled upon making written application to the Commissioner to be notified by the Commissioner of that basic value.

Section 154: replaced, on 5 December 1951, by section 14 of the Land Amendment Act 1951 (1951 No 60).

155 Application for review of liabilities

- (1) Any serviceman or discharged serviceman who is the holder of a lease or licence of farm land under this Act or under the Small Farms Act 1932–33, or who holds farm land disposed of under this Act or under section 16 of the Land Laws Amendment Act 1944, and who has been granted a loan to facilitate his settlement on the land by the Rehabilitation Board constituted under the Rehabilitation Act 1941, may, at any time not earlier than 3 years and not later than 6 years after the date of the commencement of the term of the lease or licence or, as the case may be, the date on which the land was disposed of under this Act or under the said section 16, apply to the Commissioner for a review of his liabilities to the Crown or to the State Advances Corporation of New Zealand on the ground that the 1942 basic value of the land as determined by the Board as at the date of the disposal of the land exceeded the true 1942 basic value thereof, and the Commissioner shall refer the application to the Board:

provided that no such right of review shall lie in any case where the 1942 basic value of the land has been determined by the Land Valuation Court under subsection (2) of section 3 or subsection (3) of section 30 of the Servicemen's Settlement Act 1950, or by that court or the Land Sales Court under section 51 of the Servicemen's Settlement and Land Sales Act 1943, and the liabilities of the serviceman or discharged serviceman are based on the 1942 basic value as so determined.

- (2) Where any serviceman or discharged serviceman who is qualified to apply under this section for a review of his liabilities has transferred his interest in the land to a serviceman or discharged serviceman who has been granted a loan to facilitate his settlement on the land by the Rehabilitation Board constituted under the Rehabilitation Act 1941, his right so to apply shall enure for the benefit of the transferee:

provided that no such application shall be made by any transferee except within the period during which the application could have been made had the interest not been transferred.

Section 155: replaced, on 5 December 1951, by section 15 of the Land Amendment Act 1951 (1951 No 60).

156 Review by the Board

- (1) On receipt of an application made under section 155, the Board, after considering such evidence as it thinks fit, shall review its determination of the 1942 basic value made as at the date of the disposal of the land, and, should the Board consider that that basic value exceeds the true 1942 basic value of the land, the Board shall determine—
 - (a) the true 1942 basic value of the land; and
 - (b) what consequential reductions shall be made in respect of the rental value and rent or the purchase price of the land or the principal moneys originally secured by any mortgage or instrument by way of security to the Crown or to the State Advances Corporation of New Zealand in order to put the applicant in the same monetary position as he would have been in had the 1942 basic value been correctly determined as at the date of the disposal of the land, and the Board and the said Corporation shall make such adjustments as are thereby rendered necessary in the liabilities of the applicant to the Crown or to the Corporation, as the case may be.
- (2) Every determination of the Board made under this section shall forthwith be communicated to the applicant, together with a statement as to whether the Board considers that the basic value as determined by it as at the date of the disposal of the land exceeds the true 1942 basic value and, if so, what is the true 1942 basic value and what adjustments will in consequence be made to the liabilities of the applicant, together also with a statement of the applicant's right under section 157 to apply to the Land Valuation Tribunal to fix that value.

Section 156: replaced, on 5 December 1951, by section 16 of the Land Amendment Act 1951 (1951 No 60).

Section 156(2): amended, on 1 September 1977, by section 6(3) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

157 Appeal against Board's determination

- (1) Where an applicant is dissatisfied with the determination of the Board as to the 1942 basic value of the land, he may, within 2 months after the communication to him of the determination of the Board under section 156, or within such further time as under any special circumstances of sickness or accident or otherwise the Board or the court may in its discretion allow, apply to the Land Valuation Tribunal to fix the 1942 basic value.
- (2) Every such application shall be made by notice in writing filed in the appropriate office of the District Court (as defined in section 2 of the Land Valuation Proceedings Act 1948).
- (3) Where in any case the applicant does not apply to the Land Valuation Tribunal within the time prescribed or allowed under subsection (1) to fix the 1942 basic value of the land, the determination of the Board shall be final and conclusive.

Section 157: replaced, on 5 December 1951, by section 17 of the Land Amendment Act 1951 (1951 No 60).

Section 157(1): amended, on 1 September 1977, by section 6(3) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 157(2): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Section 157(2): amended, on 1 September 1977, by section 6(3) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 157(3): amended, on 1 September 1977, by section 6(3) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

158 Determination of 1942 basic value by Land Valuation Tribunal

- (1) On every such application, the Land Valuation Tribunal shall by order determine the 1942 basic value of the fee simple of the land as at the date of the commencement of the term of the lease or licence or, as the case may require, as at the date on which the land was otherwise disposed of by the Crown.
- (2) Where the Land Valuation Tribunal determines that the true 1942 basic value of the land is less than the 1942 basic value as determined by the Board as at the date of the disposal of the land, the Board shall determine what consequential adjustments should be made in the rental value and rent or the purchase price of the land or the principal moneys secured by any mortgage or instrument by way of security to the Crown or to the State Advances Corporation of New Zealand so as to put the applicant in the same monetary position as he would have been in had the 1942 basic value been correctly determined by the Board as at the date of the disposal of the land. The decision of the Board as to what consequential adjustments should be made shall be final and conclusive.

Section 158: replaced, on 5 December 1951, by section 18 of the Land Amendment Act 1951 (1951 No 60).

Section 158 heading: amended, on 1 September 1977, pursuant to section 6(3) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 158(1): amended, on 1 September 1977, by section 6(3) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 158(2): amended, on 1 September 1977, by section 6(3) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

159 No second review

Subject to the provisions of section 157 relating to applications to the Land Valuation Tribunal, where any review of liabilities is made in relation to any land as aforesaid, no application for a further review of liabilities shall be made in relation to that land.

Section 159: replaced, on 5 December 1951, by section 19 of the Land Amendment Act 1951 (1951 No 60).

Section 159: amended, on 1 September 1977, by section 6(3) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

160 Adjustments to be endorsed on record of title

- (1) The Registrar-General of Land, on receipt of a certificate signed by the Commissioner setting forth particulars as to any reduction or adjustment in the liabilities of any applicant made pursuant to section 156 or section 158 shall endorse a memorial of the certificate on the registered copy of the lease or licence or, as the case may require, on the relevant record of title, mortgage, or other document.
- (2) Where the liability of any applicant under an instrument by way of security is reduced or adjusted pursuant to section 156 or section 158, the Registrar of the High Court in whose office the instrument is registered, on receipt of a certificate signed by the Commissioner setting forth particulars of the reduction or adjustment, shall attach the certificate to the instrument and endorse on the instrument a reference to the reduction or adjustment specified in the certificate.
- (3) No fee shall be payable to the Registrar-General of Land or any Registrar of the High Court in respect of the receipt or filing of any certificate under this section.

Section 160: replaced, on 5 December 1951, by section 20 of the Land Amendment Act 1951 (1951 No 60).

Section 160 heading: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 160(1): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 160(2): amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

Section 160(3): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

161 Adjustment of mortgages and agreements for sale and purchase

[Repealed]

Section 161: repealed, on 5 December 1951, by section 13(1) of the Land Amendment Act 1951 (1951 No 60).

162 Board's determination to be final if no appeal filed

[Repealed]

Section 162: repealed, on 5 December 1951, by section 13(1) of the Land Amendment Act 1951 (1951 No 60).

163 No second review

[Repealed]

Section 163: repealed, on 5 December 1951, by section 13(1) of the Land Amendment Act 1951 (1951 No 60).

164 Adjustments to be endorsed on certificate of title

[Repealed]

Section 164: repealed, on 5 December 1951, by section 13(1) of the Land Amendment Act 1951 (1951 No 60).

164A Suspensory loans

- (1) Where on or after 1 November 1950,—
- (a) the Board sells farm land or farm land and improvements, whether for cash or on deferred payments, to a serviceman or discharged serviceman who has been granted a loan by the Rehabilitation Board constituted under the Rehabilitation Act 1941 to enable him to complete the purchase; or
 - (b) the Board grants to such a serviceman or discharged serviceman a lease of farm land and at the same time sells to him the improvements thereon,—

the Board may, in order to prevent the land or any interest therein being used for speculative purposes, require the purchaser, as a condition of the sale, to give a mortgage over the land or interest to Her Majesty the Queen or to the State Advances Corporation of New Zealand to secure, on such terms and conditions as the Board prescribes, an amount not exceeding that part of the purchase price which is equal to the amount by which the value of the land or the land and improvements or the improvements only, as the case may be, determined as if the Servicemen's Settlement and Land Sales Act 1943 had not been repealed, is less than the current market value as at the date of the purchase.

- (2) The following conditions shall be implied in every such mortgage, namely:
- (a) a condition that the mortgagee may not enforce payment of principal or interest moneys secured under the mortgage so long as the purchaser continues to reside personally on the land and to farm it exclusively for his own use and benefit and to observe and fulfil the covenants and conditions contained or implied in any prior mortgage over the same land given to Her Majesty the Queen or to the State Advances Corporation of New Zealand but, if the purchaser at any time ceases so to reside on the land and so to farm the land or fails to observe and fulfil any of the covenants or conditions contained or implied in any such prior mortgage, the mortgagee under the first-mentioned mortgage may enforce payment of the principal and interest moneys secured by that mortgage in accordance with the provisions of the mortgage:
 - (b) a condition that, if at the expiration of 10 years from the date when the mortgage was given the purchaser has not ceased to reside personally on the land and to farm it for his own use and benefit and has continued to observe and fulfil the covenants and conditions contained or implied in any prior mortgage as aforesaid, the mortgage shall be discharged at the

expiration of that period and the liability of the purchaser thereunder shall absolutely cease and determine:

- (c) a condition that, if the purchaser dies within the said period of 10 years without having committed a breach of any of the conditions implied on the part of the purchaser by paragraph (a), the mortgagee may, in his or its discretion, call up and compel payment of the principal and interest moneys secured by the mortgage or may allow the mortgage to continue for the balance of that period subject to the conditions as to residence being fulfilled by the executor, administrator, or trustee of the deceased purchaser or by a specified beneficiary in his estate.
- (3) The provisions of subsection (2) shall not, except as provided therein, be deemed to restrict the generality of the power of the mortgagee to require such terms and conditions to be included in any mortgage given under subsection (1) as the mortgagee thinks fit.

Section 164A: inserted, on 1 December 1950, by section 20 of the Land Amendment Act 1950 (1950 No 96).

164B No review of liability under suspensory mortgage

- (1) Except as provided in subsection (2), the right of review of liabilities conferred by this Part shall not apply with respect to or affect any mortgage given under section 164A.
- (2) In any case where under this Part the liability of a serviceman or discharged serviceman has been adjusted by the reduction of the principal sum secured by any mortgage (other than a mortgage given under section 164A) or of the purchase price under a deferred-payment licence, and the land charged with the repayment of that mortgage or in respect of which the licence is held, as the case may be, is also charged with a mortgage given under section 164A, the mortgagee may vary the terms of the last-mentioned mortgage by adding to the principal sum secured thereby the amount by which the principal sum secured by the first-mentioned mortgage or the purchase money due under the deferred-payment licence, as the case may be, has been reduced, together with any rebate of interest payments made under the first-mentioned mortgage or under the licence up to the date of the order of the court or the determination of the Board, as the case may be, which have been credited to the serviceman or discharged serviceman.

Section 164B: inserted, on 1 December 1950, by section 21 of the Land Amendment Act 1950 (1950 No 96).

Part 11

Licences for timber, flax, minerals, and other purposes

165 Licences for timber, minerals, etc

- (1) The Board may from time to time issue licences authorising the licensees to occupy such area of unalienated Crown land as is specified therein, for any of the following purposes:
- cutting, felling, or removing of timber, bark, or flax:
 - removal of gravel, sand, stone, clay, lime, limestone, guano, kauri gum, or similar substances:
 - working of quarries:
 - sites for mills, yards, kilns, potteries, tanneries, and similar purposes:
 - sites for tramways, railways, slipways, and similar purposes.
- (2) *[Repealed]*
- (3) The Board shall determine the extent of land to which any such licence shall give a right of occupancy, the term of the licence, the annual fee to be charged, the royalties to be paid, and the conditions upon which any such licence shall be held.
- (4) No licence granted under this section shall preclude the Board from selling or leasing, or the Governor-General from reserving, or shall in any way affect the rights of the Crown to, the land occupied in virtue of the licence; and the licence shall cease to have any force over any land so sold, leased, or reserved.
- (5) The licensee shall not be entitled to any compensation by reason of the loss of his licence pursuant to the last preceding subsection; but he may, within such time as the Board may allow, remove all buildings, fencing, enclosures, and other improvements purchased, erected, or made by him on the land.
- (6) *[Repealed]*
- (6A) Nothing in this section shall derogate from the provisions of the Resource Management Act 1991 or the Crown Minerals Act 1991.

Compare: 1924 No 31 ss 347, 348

Section 165(1): amended, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

Section 165(1): amended, on 26 November 1953, by section 9(1) of the Land Amendment Act 1953 (1953 No 67).

Section 165(2): repealed, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

Section 165(6): repealed, on 1 April 1973, by section 245 of the Mining Act 1971 (1971 No 25).

Section 165(6A): inserted, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

Section 165(6A): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

166 Flax leases

- (1) For the purpose of growing, cutting, or removing flax, the Board may lease any area of Crown land for a term not exceeding 33 years, with or without a right of renewal for a like term.
- (2) Any lease under this section may be granted by public application or without competition, and shall be at such yearly rent and subject to such conditions as to the payment of royalty or otherwise as the Board determines.

Compare: 1924 No 31 s 353; 1925 No 15 s 75; 1925 No 50 s 4

**Part 12
Reserves**

167 Land may be set apart as reserves

- (1) The Minister of Conservation may from time to time, with the prior consent in writing of the Minister of Lands, by notice in the *Gazette*, set apart as a reserve any Crown land for any purpose which in his or her opinion is desirable in the public interest. Every such notice shall take effect from the date thereof or from such later date as is specified in the notice.
- (1A) On the recommendation of the Minister of Housing, any land held for State housing purposes under the Housing Act 1955 may be set apart as a reserve under subsection (1) as if it were Crown land subject to this Act.
- (2) Upon the notice aforesaid being published in the *Gazette*, the land described therein shall be and be deemed to be dedicated to the purpose for which it was reserved, and may at any time thereafter be granted for that purpose in fee simple, subject to the condition that it shall be held in trust for that purpose unless and until that purpose is lawfully changed.
- (3) Crown land may be set apart as a reserve under this section notwithstanding that it is subject to a pastoral lease or a pastoral occupation licence granted under this Act.
- (4) Where any Crown land is set apart as a reserve under this section for any public purpose that is a Government work within the meaning of the Public Works Act 1981, the land so set apart shall be deemed to be subject to that Act, save that section 35 of that Act, other than the second and third provisos to that section, shall have no application thereto.
- (5) For the purposes of this section, the balance of the lands described in Schedules 3 and 4 of the Westland and Nelson Coalfields Administration Act 1877, as amended by the Westland and Nelson Coalfields Administration Act 1901, and by section 7 of the Reserves and other Lands Disposal Act 1932, remaining

vested in the Crown, and which has not been set apart for any public purpose, shall be deemed to be Crown land:

provided that no part of the said lands shall be set apart as a reserve without the approval of the Minister of Transport.

- (6) A copy of any notice by the Minister of Conservation under subsection (1) and published in the *Gazette* may be forwarded to the Registrar-General of Land or the Registrar of Deeds, as the case may require, who shall thereupon, without payment of any fee, record the copy of the notice and register it against the appropriate title (if any).

Compare: 1924 No 31 ss 359, 361; 1925 No 15 s 71; 1938 No 19 s 13

Section 167(1): replaced, on 25 November 1994, by section 4 of the Foreshore and Seabed Endowment Revesting Amendment Act 1994 (1994 No 113).

Section 167(1A): inserted (with effect on 1 April 1954), on 28 September 1954, by section 2(2) of the Land Amendment Act 1954 (1954 No 37).

Section 167(1A): amended, on 21 October 1955, by section 13(2) of the Housing Act 1955 (1955 No 51).

Section 167(4): amended, on 25 November 1994, by section 4 of the Foreshore and Seabed Endowment Revesting Amendment Act 1994 (1994 No 113).

Section 167(4): amended, on 1 February 1982, pursuant to section 248(1) of the Public Works Act 1981 (1981 No 35).

Section 167(4): amended, on 1 October 1954, by section 4(3) of the Public Works Amendment Act 1954 (1954 No 85).

Section 167(5): amended, on 1 September 1972, pursuant to section 6(2)(a) of the Ministry of Transport Amendment Act 1972 (1972 No 4).

Section 167(6): inserted, on 1 April 1954, by section 11(2) of the Land Amendment Act 1953 (1953 No 67).

Section 167(6): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 167(6): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

168 Local authority may apply funds for improvement of reserve

- (1) Any local authority may, out of its ordinary funds, apply such moneys as it from time to time thinks fit towards the maintenance or embellishment of any reserve made for the public recreation or health of the residents of the district under its jurisdiction, or for its ornamentation, or for purposes of afforestation or public plantations, whether or not the reserve is situate within the limits of that district, and whether the reserve is vested in the local authority or placed under its administration either solely or jointly with any other local authority or authorities, or may grant any such moneys for the purposes aforesaid by way of subsidy to any Domain Board having charge of any such reserve.
- (2) Any local authority may unite with any other local authority or authorities for the joint exercise of all the aforesaid powers in respect of any such reserve as aforesaid as may be under their joint administration, or whereof they have the

use in common, and for regulating the use of that reserve by the public, or for the proper care and conservation thereof.

Compare: 1924 No 31 ss 364, 365

169 Reserves and endowments may be brought under this Act

- (1) The Governor-General may from time to time, by warrant under his hand, which may from time to time in like manner be altered, amended, or revoked, declare that any land now or hereafter vested for any purpose in any corporate body or person whomsoever shall be subject to the provisions of this Act.
- (2) No such warrant shall have any effect unless it is issued at the request or on the recommendation of the corporate body or person in whom the land is vested, or who has the administration of the revenue arising therefrom.
- (3) On any such warrant being issued, the land comprised therein may be leased by the Board on the same terms and conditions in all respects as the Board is hereby empowered to lease Crown land, but without the right to acquiring the fee simple, and all rents received by the department under any such lease shall, after deducting all expenses incurred in connection with the land and the reasonable costs of administration, be paid over to the body or person by law for the time being entitled to receive the same.
- (4) Every lease granted under the last preceding subsection, where the land is vested in any corporate body or person, shall be executed by the Commissioner on behalf of the Board in the name of the corporate body or person in whom the land dealt with by the lease is vested.
- (5) The Board may sell the land mentioned in any warrant under this section in like manner in all respects as if it were Crown land of a similar character or class.
- (6) Upon any sale made under the last preceding subsection of any reserve which is vested in any corporate body or person, the Commissioner, on behalf of the Board, may execute a transfer or conveyance thereof in the name and on behalf of the corporate body or person in whom the same is so vested as aforesaid.
- (7) The proceeds of any sale authorised by this section shall, after deducting all expenses of survey and other expenses incurred in connection with the land, be paid over by the department to the corporate body or person by law for the time being entitled to receive the same.
- (8) The proceeds so paid over shall, unless other provision has been made by some other Act for the disposal thereof, be applied by the corporate body or person who receives the same in the purchase of other land, to be held on the same trusts and subject to the same powers and conditions as those on which the land by the sale of which the proceeds were realised was held, or may be invested on mortgage of freehold land in New Zealand, or in securities of the New Zealand Government, in which case the moneys shall likewise be held on the same trusts and subject to the same powers and conditions as aforesaid, and the inter-

est derived from those mortgages or securities shall be applied in like manner as the rents derived from the land would have been applied.

Compare: 1924 No 31 s 367

Part 13

Miscellaneous provisions

170 Registration of memorandum of renewal or variation instead of renewal or new lease or licence

- (1) Where a lessee or licensee is entitled to a renewal of his lease or licence, or to a new lease or licence in exchange for his existing lease or licence, the Commissioner may, instead of issuing a renewal or new lease or licence, prepare a memorandum of renewal or variation containing such particulars with respect to the renewed or new term of the lease or licence, the right of the lessee or licensee to obtain a further renewal or renewals, the rental value or purchase price, the value of improvements, the yearly rent or instalments of purchase money and interest, and such other matters as may be necessary in the circumstances of the case.
- (2) The memorandum of renewal or variation must—
 - (a) be signed by the Commissioner and by the lessee or licensee; and
 - (b) be registered with the Registrar-General of Land.
- (2A) Upon receiving a memorandum of renewal or variation under subsection (2), the Registrar-General of Land must,—
 - (a) if no record of title exists for the leasehold interest being renewed or varied, record the renewal or variation on the register; or
 - (b) if a record of title exists for the leasehold interest being renewed or varied, update the record of title.
- (3) On registration of any such memorandum of renewal or variation the lease or licence shall be deemed to have been renewed or exchanged, as the case may be, in the same way as if a renewal or new lease or licence for the term and subject to the conditions set out in the memorandum of renewal or variation had been duly executed and registered, and shall continue to be subject to the same reservations, trusts, rights, titles, interests, and encumbrances as those to which the land in the lease or licence was subject immediately before the registration of the said memorandum of renewal or variation.

Section 170(2): replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 170(2A): inserted, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

170A Variation of covenants in leases and licences

- (1) The covenants, conditions, and restrictions expressed or implied in any lease or licence may at any time be expressly varied, negatived, or added to by a memorandum of variation containing such particulars as may be necessary in the circumstances of the case.
- (2) The provisions of subsection (2) of section 170 shall, as far as they are applicable and with the necessary modifications, apply with respect to every memorandum of variation under this section as if it were a memorandum of variation to which that section applies.
- (3) If the interest of the lessee or licensee is at the time of the registration of the memorandum of variation subject to any mortgage, the memorandum shall not be binding on the mortgagee unless he has consented in writing thereto in the memorandum.

Section 170A: inserted, on 26 November 1953, by section 10 of the Land Amendment Act 1953 (1953 No 67).

170B Rates of interest

- (1) Where provision is made by this Act for the payment by any lessee, licensee, purchaser, mortgagor, or person liable under any other security, (being lessee, licensee, purchaser, mortgagor, or person liable as aforesaid, under a lease, licence, agreement for sale and purchase, mortgage, or security, that was in force before 9 November 1984) of interest at a rate fixed by the Minister of Finance,—
 - (a) the interest shall be deemed to be payable at a rate that is subject to review from time to time at intervals fixed by the Board and specified in the lease, licence, mortgage, or other document, being not less than 3 years; and
 - (b) where the lease, licence, mortgage, or other document provides that the rate or rates of interest payable thereunder may be reviewed, the Board, on giving to the lessee, licensee, purchaser, mortgagor, or other person liable not less than 3 months' notice thereof in writing, may review, in accordance with any applicable provisions of the document, that rate or those rates; and, on any such review, may increase or reduce that rate or those rates or any of them in order to conform to the current rates of interest for the time being fixed by the Minister of Finance.
- (1A) Where provision is made by this Act for the payment by any lessee, licensee, purchaser, mortgagor, or person liable under any other security, (being lessee, licensee, purchaser, mortgagor, or person liable as aforesaid, under a lease, licence, agreement for sale and purchase, mortgage, or other security, that was not in force before 9 November 1984) of interest at a rate fixed by the Minister of Finance,—
 - (a) that rate shall be subject to review at intervals from time to time fixed by the Board:

- (b) after reviewing that rate, the Board may—
 - (i) leave it at its existing level; or
 - (ii) increase or reduce it (as the case requires) in order to conform with the appropriate rate of interest for the time being fixed by the Minister of Finance; or
 - (iii) increase or reduce it (as the case requires) to a level between its existing level and that current rate:
 - (c) every increase or reduction of that rate shall take effect upon a date specified by the Board by notice in writing to the lessee, licensee, purchaser, mortgagor, or other person, concerned:
 - (d) that date shall be no earlier than 30 days after the date on which that notice was given to that person.
- (2) Where any rate of interest is increased or reduced under this section, any instalments of principal and interest payable shall be adjusted to amounts computed from amortisation tables at the new rate of interest for the number of years then unexpired of the term of payment of the indebtedness or any part thereof.
- (3) The determination of the Board on any matter arising under this section shall be final and binding on all persons interested therein.
- (4) Nothing in this section shall be construed to derogate from any other provision of this Act under which the Board has power to determine the terms, conditions, and manner of repayment of any advances made by the Board or money due to the Crown.

Section 170B: inserted, on 1 January 1969, by section 6 of the Land Amendment Act 1968 (1968 No 50).

Section 170B(1): amended, on 9 November 1984, by section 2(1) of the Land Amendment Act 1984 (1984 No 11).

Section 170B(1)(a): amended, on 21 November 1977, by section 7(a) of the Land Amendment Act 1977 (1977 No 51).

Section 170B(1)(b): replaced, on 21 November 1977, by section 7(b) of the Land Amendment Act 1977 (1977 No 51).

Section 170B(1A): inserted, on 9 November 1984, by section 2(2) of the Land Amendment Act 1984 (1984 No 11).

Section 170B(2): amended, on 9 November 1984, by section 2(3) of the Land Amendment Act 1984 (1984 No 11).

171 Issue of record of title where fee simple of several leases acquired; and amalgamation of leases

- (1) Where the holder of 2 or more leases acquires the fee simple of the land comprised therein for cash or elects to purchase the fee simple on deferred payments, there may be issued to him 1 record of title or, as the case may be, 1 deferred-payment licence in respect of all the land comprised in the several leases.

- (2) Where the holder of 2 or more leases is entitled to a renewal of those leases or to new leases in exchange for his existing leases there may be issued to him 1 lease in respect of all the land comprised in the several leases.
- (3) Where any person holds 2 or more leases to which the last preceding subsection does not apply, the Board may in its discretion at any time require him to surrender his leases and issue to him a new lease in respect of all the land comprised in the several leases. The new lease shall be for a term expiring on the latest date on which any of the surrendered leases would otherwise have expired, the rental value and yearly rent under the new lease shall be the sum of the rental values and yearly rents, as the case may be, under the surrendered leases, but otherwise the new lease shall be subject to the terms and conditions contained or implied in the several surrendered leases.

Section 171 heading: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 171(1): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

172 No title by user or adverse possession

- (1) No dedication or grant of a right of way shall, by reason only of user, be presumed or allowed to be asserted or established as against the Crown, or as against any person or body holding lands for any public work or in trust for any public purpose or as against any State enterprise referred to in Schedule 2 of the State-Owned Enterprises Act 1986, or as against a mixed ownership model company within the meaning of section 45P of the Public Finance Act 1989, whether such user commenced before or after the coming into force of this Act.
- (2) No title to any land that is a road or street, or is held for any public work, or that has in any manner been reserved for any purpose, or that is deemed to be reserved from sale or other disposition in accordance with section 58, 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 Her Majesty, or of any local authority, public body, State enterprise referred to in Schedule 2 of the State-Owned Enterprises Act 1986, a mixed ownership model company (within the meaning of section 45P of the Public Finance Act 1989), or person in whom the land has been at any time vested in trust for the purposes for which it has been reserved as aforesaid.
- (3) Subsection (2) applies despite any enactment that prescribes a limitation period or other limitation defence.

Compare: 1924 No 31 s 13; 1931 No 40 s 10

Section 172(1): amended, on 30 June 2012, by section 11 of the Public Finance (Mixed Ownership Model) Amendment Act 2012 (2012 No 45).

Section 172(1): amended, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

Section 172(2): amended, on 30 June 2012, by section 11 of the Public Finance (Mixed Ownership Model) Amendment Act 2012 (2012 No 45).

Section 172(2): amended, on 1 January 2011, by section 58 of the Limitation Act 2010 (2010 No 110).

Section 172(2): amended, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

Section 172(3): inserted, on 1 January 2011, by section 58 of the Limitation Act 2010 (2010 No 110).

173 No certiorari

No order or other proceeding made touching or concerning the matters contained in this Act, or touching or concerning the conviction of any offender against this Act, or any other Act relating to the administration of Crown land, shall be quashed or vacated for want of form only, or be removed or removable by certiorari or any writ or process whatsoever into the High Court.

Compare: 1924 No 31 s 46

Section 173: amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

174 Valuer to make declaration

Where any person is employed to make a valuation for the purposes of this Act he shall, if so required by the Board, before entering into consideration of any matters referred to him, make and subscribe a declaration under the Oaths and Declarations Act 1957 that—

- (a) he has no interest, directly or indirectly, in the matter referred to him; and
- (b) he will faithfully and honestly, and to the best of his ability, make the valuation required.

Compare: 1924 No 31 s 87

Section 174: amended, on 1 April 1958, pursuant to section 32(1) of the Oaths and Declarations Act 1957 (1957 No 88).

175 Limitation on area which may be held

[Repealed]

Section 175: repealed, on 23 June 1998, by section 5(a) of the Land Amendment Act 1998 (1998 No 66).

176 Trespass on or damage to Crown land

- (1) In this section, the expression **lands of the Crown** means:
 - (a) Crown land and any other lands administered by the Board under this Act which respectively are not for the time being subject to any lease, licence, or demise serving to vest the exclusive occupation thereof in any person other than the Crown;
 - (b) any public reserve not granted to or vested in any local body, trustees, or other persons,—

but shall not include any lands which are subject to the Forests Act 1949.

- (2) Every person commits an offence against this Act who, without right, title, or licence,—
 - (a) trespasses on, or uses, or occupies lands of the Crown:
 - (b) causes or allows any cattle, sheep, horses, or other animals to trespass on lands of the Crown:
 - (c) fells, removes, damages, destroys, or otherwise interferes with any forest, wood, or timber growing or being on lands of the Crown:
 - (d) takes or removes from lands of the Crown any bark, flax, mineral, gravel, guano, or other substance whatever:
 - (e) *[Repealed]*
 - (f) uses, sells, or otherwise disposes of any wood, timber, bark, flax, mineral, gravel, guano, or other substance whatever knowing the same to have been removed unlawfully from lands of the Crown.
- (3) Only the Commissioner, or some person appointed in writing by the Commissioner, may file a charging document for an offence under this section.
- (4) If any person is found on any lands of the Crown having in his possession any live or dead timber, trees, bark, flax, mineral, gravel, guano, or other substance, he shall for the purposes of this section be deemed, in the absence of proof to the contrary, to have cut, stripped, dug, or removed the same from the lands of the Crown, and the onus shall lie on him of proving that he did not do so or that he had authority to do so.
- (5) In any proceedings under this section, the onus of proving that the defendant had a right, title, or licence to do the act in respect of which the proceedings are laid shall lie on the defendant.
- (6) In any such proceedings the averment that any lands in question are lands of the Crown shall be sufficient without proof of that fact, unless the defendant proves to the contrary, and all plans, maps, leases, licences, certificates, and copies certified as true under the hand of the Commissioner or Chief Surveyor shall be sufficient evidence of their contents without production of original records, and without the personal attendance of those officers or proof of their signatures.
- (7) Any person convicted of an offence under this section shall, in addition to any penalty for which he may be liable under this Act, pay the value of the substance removed from, or the damage done to the lands of the Crown, or to any forest, wood, timber, flax, or scrub growing or being thereon. That value or damage shall be assessed by a District Court Judge and shall be recoverable in like manner as a fine.
- (8) All unbranded cattle, sheep, horses, or other animals trespassing on lands of the Crown may be seized by the Commissioner or by any person authorised by him

in writing, either generally or in any particular case, and shall thereupon be deemed to be forfeited to Her Majesty.

- (9) All branded cattle, sheep, horses, or other animals trespassing on lands of the Crown may be seized by the Commissioner or by any person authorised by him in writing, either generally or in any particular case, and, on the conviction of any person for causing or allowing the said cattle, sheep, horses, or other animals so to trespass on lands of the Crown, may be adjudged by the court to be forfeited to Her Majesty.
- (10) All buildings erected on lands of the Crown without the authority in writing of the Commissioner shall, whether affixed to the soil or not, be deemed to be forfeited to Her Majesty.

Compare: 1924 No 31 ss 39, 40, 41

Section 176(1): amended, on 1 January 1950, pursuant to section 73(1) of the Forests Act 1949 (1949 No 19).

Section 176(2)(e): repealed, on 20 October 1955, by section 62(1) of the Forest and Rural Fires Act 1955 (1955 No 44).

Section 176(3): replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 176(7): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

177 Claims for compensation

- (1) All claims for compensation in respect of any matters arising under this Act, or for value of improvements shall, unless otherwise specially provided in this Act, be settled within the time and in the manner provided by the Public Works Act 1981 and the provisions of that Act shall, so far as they are applicable and with the necessary modifications, apply with respect to any such claims under this Act:

provided that in any such case the claim shall be settled in the manner provided in this subsection only in the event of the failure of the parties concerned to arrive at an agreement without taking proceedings under this subsection.

- (2) In every such claim the Minister shall be the respondent.

Compare: 1924 No 31 s 85

Section 177(1): amended, on 1 February 1982, pursuant to section 248(1) of the Public Works Act 1981 (1981 No 35).

178 Kauri gum reserves

[Repealed]

Section 178: repealed, on 26 November 1953, by section 9(3) of the Land Amendment Act 1953 (1953 No 67).

179 Land Subdivision in Counties Act 1946 not to form part of Land Act

[Repealed]

Section 179: repealed, on 1 December 1961, by section 43(2) of the Waimakariri - Ashley Water Supply Act 1961 (1961 No 131).

180 Exemption from stamp duty

[Repealed]

Section 180: repealed, on 1 January 1972, by section 101(1) of the Stamp and Cheque Duties Act 1971 (1971 No 51).

181 Report to Parliament

- (1) Within 60 days after the close of each financial year, if Parliament is in session, or if not, then within 60 days after the commencement of the next ensuing session, there shall be prepared and laid before the House of Representatives a report on the operations of the department under this Act during the financial year.
- (2) The report shall give the following particulars:
 - (a) the area of private land or interest in Crown land purchased during the year and the price paid therefor:
 - (b) particulars of each area under development during the whole or any portion of the farming year ended on the immediately preceding 30 June, showing the cost of acquisition and development of the land to the end of that farming year and, where any area under development has been alienated under this Act during the financial year, the profit or loss, as the case may be, on that alienation:
 - (c) the number of mortgagors under Part 6 and the total amount owing under the mortgages at the end of the year:
 - (d) the number of leases and licences granted during the year, with the area involved and the total yearly rent payable:
 - (e) the number of leases and licences current at the end of the year, with the area involved and the total yearly rent payable.

(3) *[Repealed]*

Compare: 1925 No 15 s 109; 1929 No 8 s 10

Section 181(1): amended, on 1 January 1951, pursuant to section 2(4) of the Legislative Council Abolition Act 1950 (1950 No 3).

Section 181(2)(b): amended, on 18 November 1964, by section 3 of the Land Amendment Act 1964 (1964 No 94).

Section 181(3): repealed, on 1 July 1989, by section 86(1) of the Public Finance Act 1989 (1989 No 44).

182 Offences

- (1) Except where otherwise provided in this Act, every person who commits an offence against this Act is liable on conviction to a fine not exceeding \$400 or

to imprisonment for any term not exceeding 1 year, and, where the offence is a continuing one, to a further fine not exceeding \$10 for every day during which the offence continues.

- (2) Despite anything to the contrary in section 25 of the Criminal Procedure Act 2011, the limitation period in respect of an offence against this Act ends on the date that is 12 months after the date on which the offence was committed.

Compare: 1924 No 31 s 388

Section 182(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 182(1): amended, on 1 January 1955, pursuant to section 40(1) of the Criminal Justice Act 1954 (1954 No 50).

Section 182(2): replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

183 Service of notices

Any notice required to be given to or served on any person for the purposes of this Act may be given or served by causing the same to be delivered to that person, or to be left at his usual or last known place of abode or business, or at the address stated by him in any application or other document under this Act, or to be sent by registered letter addressed to him at that place of abode or business or address.

184 Regulations

- (1) The Governor-General may from time to time, by Order in Council, make such regulations as may be necessary for the due administration of this Act, and for the administration, management, development, alienation, settlement, protection, and care of Crown land.
- (2) Without limiting the general power hereinbefore conferred, it is hereby declared that regulations may be made under this section for all or any of the following purposes:
- (a) prescribing fees payable on any application under this Act and for the preparation and registration of documents issued under the authority of this Act and for any valuation required under this Act:
 - (aa) *[Repealed]*
 - (b) prescribing forms of application and the conditions and mode of applying for land or for licences and leases to be issued under this Act:
 - (c) providing for any proceedings, forms of leases, licences, and other instruments, and for the execution of any other matter or thing arising under and not inconsistent with this Act, and not herein expressly provided for:
 - (d) providing for a system of ballot:

- (e) prescribing the order of preference to be given to servicemen, discharged servicemen, and other persons who have made simultaneous applications for Crown land:
 - (f) regulating the occupation of the outlying islands of New Zealand, their protection from trespass, and the preservation of their indigenous or introduced fauna or flora:
 - (g) regulating or restricting the purposes for which any land classified under this Act or under any former Land Act as urban land or commercial or industrial land may be used:
 - (h) prohibiting or restricting the erection on any urban land or commercial or industrial land of any specified class or classes of buildings or of any fence or of fences of a specified class or classes:
 - (i) regulating the protection of forests, bush, or growing timber on Crown land, and the prevention of fires therein:
 - (j) providing for the sale of standing or fallen timber on Crown land, and regulating the granting of licences for felling, splitting, or sawing timber thereon:
 - (k) regulating the burning of felled or other timber, wood, or scrub on Crown land:
 - (l) regulating the granting of leases or licences of Crown land for the growing, cutting, or removal of flax:
 - (m) providing for the proper maintenance, protection, and control of any waterworks constructed or purchased by the Board under this Act, and the supply of water therefrom, for the cutting off of the supply in default of payment of any levy, and the prevention of waste:
 - (n) providing for the care, management, and protection of reserves and unoccupied Crown land:
 - (o) regulating the meetings of the Board and of Land Settlement Committees and the conduct of their business:
 - (p) prescribing the time within which and the manner in which shall be done any act, matter, or thing for which under this Act a prescription is contemplated or required:
 - (q) prescribing tables for payment of purchase money and interest where land is purchased on a system of deferred payments or where improvements belonging to the Crown are purchased by instalments:
 - (r) for guarding against evasions and violations of this Act.
- (2A) Regulations made under this section may prescribe fines, not exceeding \$200, for offences against the regulations.
- (3) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

(3) *[Repealed]*

Compare: 1924 No 31 s 3(1); 1925 No 15 s 108; 1946 No 40 s 41(9)

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 184(2)(a): amended, on 1 June 2002, by section 68(1) of the Cadastral Survey Act 2002 (2002 No 12).

Section 184(2)(aa): repealed, on 1 April 1987, by section 81(3) of the Survey Act 1986 (1986 No 123).

Section 184(2A): inserted, on 23 October 1963, by section 3 of the Land Amendment Act 1963 (1963 No 93).

Section 184(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 184(3): repealed, on 19 December 1989, by section 11 of the Regulations (Disallowance) Act 1989 (1989 No 143).

184A Regulations for fees

- (1) The Governor-General may, by Order in Council, make regulations prescribing—
 - (a) the matters in respect of which fees or charges are payable for functions of, or facilities or services provided by, the chief executive:
 - (b) the amounts of those fees or charges, or the method or rates by which they are to be assessed:
 - (c) the persons liable for payment of those fees or charges:
 - (d) the circumstances in which the payment of the whole or any part of those fees or charges may be remitted or waived:
 - (e) the manner in which the fees or charges are to be paid.
- (2) This section does not apply to functions of, or facilities or services provided by, the chief executive under the Cadastral Survey Act 2002.
- (3) The Survey (Departmental Fees and Charges) Regulations 1998, to the extent applicable,—
 - (a) continue in force as if they had been made under subsection (1); and
 - (b) may be amended or revoked as if they had been made under subsection (1).
- (4) The following are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements):
 - (a) regulations under this section:
 - (b) an amendment or a revocation under subsection (3)(b).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 184A: inserted, on 1 June 2002, by section 68(1) of the Cadastral Survey Act 2002 (2002 No 12).

Section 184A(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

185 Repeals and savings

- (1) The enactments specified in Schedule 1 are hereby repealed.
- (2) All districts, offices, appointments, regulations, rules, bylaws, Proclamations, Orders in Council, warrants, orders, registers, notices, advertisements, instruments, awards, valuations, and generally all acts of authority which originated under any of the said enactments or any enactment thereby repealed, and are subsisting or in force at the commencement of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated; but may be revoked or altered under the powers conferred by this Act.
- (3) All the provisions of the said enactments shall remain and be in full force so far as they respectively relate or can be applied consistently with this Act to any lands purchased, acquired, or held under those enactments before the commencement of this Act, and to any lands held under lease or licence, and to the respective lessees or licensees thereof under those enactments, and to the issue of leases, licences, or Crown grants to the holders of land under the provisions of those enactments, and to the forfeiture or cancellation of any such lease or licence, and to mortgages of any such leases or licences given before the commencement of this Act, and to the rights of the mortgagor and mortgagee under any such mortgage; subject, however, to any special provisions of this Act affecting any such lands and the lessees or licensees thereof respectively.
- (4) The Governor-General, or the Board, or the Commissioner, as the case may be, shall in regard to leases, licences, and acquisitions of land under the said enactments have and exercise the same power of revocation and forfeiture, and every such power may be exercised and shall be enforced and proved in like manner, and every such revocation and forfeiture shall have the same effect in every respect so far as may be as if the said enactments had not been repealed.
- (5) Nothing herein contained shall, except where otherwise expressly provided, be deemed to affect any estate, right, or interest created or existing under or by virtue of the said enactments.

- (6) Every application in respect of land, and all matters and proceedings commenced under any of the said enactments and pending or in progress on the commencement of this Act, may be continued, completed, and enforced under this Act.
- (7) Notwithstanding the repeal of section 32 of the Education Reserves Act 1928, any certificate of title in the name of His Majesty the King in respect of the land comprised in an education reserve or endowment which is subject to a lease current at the commencement of this Act shall enure until the expiration or earlier determination of the lease and shall then be cancelled by the District Land Registrar. Where the land is not subject to any such lease, the certificate of title shall be cancelled by the District Land Registrar on the commencement of this Act.
- (8) Notwithstanding the repeal of section 3 of the Discharged Soldiers Settlement Amendment Act 1921–22, any certificate of title in the name of His Majesty the King in respect of any land acquired by His Majesty, as the mortgagee under any mortgage referred to in that section, which is subject to a lease current at the commencement of this Act, shall enure until the expiration or sooner determination of the lease and shall then be cancelled by the District Land Registrar. Where the land is not subject to any such lease, the certificate of title shall be cancelled by the District Land Registrar on the commencement of this Act.
- (9) No cancellation of any certificate of title under either of the last 2 preceding subsections shall in any way affect the rights of any person entitled to any registered easement over the land comprised therein at the time of that cancellation.

Schedule 1 Enactments repealed

s 185(1)

Companies (Bond-holders Incorporation) Act 1934–35 (1934–35 No 39)

Amendment(s) incorporated in the Act(s).

Deteriorated Lands Act 1925 (1925 No 42) (Reprint of Statutes, Vol IV, p 810)

Discharged Soldiers Settlement Act 1915 (1915 No 45) (Reprint of Statutes, Vol IV, p 963)

Discharged Soldiers Settlement Amendment Act 1916 (1916 No 4) (Reprint of Statutes, Vol IV, p 970)

Discharged Soldiers Settlement Amendment Act 1917 (1917 No 17) (Reprint of Statutes, Vol IV, p 973)

Discharged Soldiers Settlement Amendment Act 1919 (1919 No 49) (Reprint of Statutes, Vol IV, p 976)

Discharged Soldiers Settlement Amendment Act 1921–22 (1921–22 No 53) (Reprint of Statutes, Vol IV, p 978)

Discharged Soldiers Settlement Amendment Act 1923 (1923 No 14) (Reprint of Statutes, Vol IV, p 986)

Discharged Soldiers Settlement Amendment Act 1924 (1924 No 57) (Reprint of Statutes, Vol IV, p 995)

Education Reserves Act 1928 (1928 No 33) (Reprint of Statutes, Vol IV, pp 1004, 1011–1021)

Amendment(s) incorporated in the Act(s).

Education Reserves Amendment Act 1931 (1931 No 37) (Reprint of Statutes, Vol IV, p 1022)

Education Reserves Amendment Act 1934 (1934 No 8)

Finance Act 1924 (1924 No 64) (Reprint of Statutes, Vol IV, p 786)

Amendment(s) incorporated in the Act(s).

Finance Act 1927 (No 2) (1927 No 74) (Reprint of Statutes, Vol IV, pp 811, 968)

Amendment(s) incorporated in the Act(s).

Finance Act 1928 (1928 No 1) (First Session, Twenty-third Parliament) (1929 Volume, p 4)

Amendment(s) incorporated in the Act(s).

Finance Act 1928 (1928 No 53) (Reprint of Statutes, Vol IV, p 955)

Amendment(s) incorporated in the Act(s).

Finance Act 1929 (1929 No 29) (Reprint of Statutes, Vol IV, p 969)

Amendment(s) incorporated in the Act(s).

Finance Act 1930 (No 2) (1930 No 40) (Reprint of Statutes, Vol IV, p 850)

Amendment(s) incorporated in the Act(s).

Finance Act 1931 (No 4) (1931 No 44) (Reprint of Statutes, Vol IV, p 969)

Amendment(s) incorporated in the Act(s).

Finance Act 1932 (1932 No 11)

Amendment(s) incorporated in the Act(s).

Finance Act 1932–33 (1932–33 No 45)

Amendment(s) incorporated in the Act(s).

Finance Act 1936 (1936 No 16)

Amendment(s) incorporated in the Act(s).

Finance Act 1937 (1937 No 17)

Amendment(s) incorporated in the Act(s).

Finance Act 1938 (1938 No 13)

Amendment(s) incorporated in the Act(s).

Finance Act 1940 (1940 No 6)

Amendment(s) incorporated in the Act(s).

Finance Act (No 4) 1940 (1940 No 30)

Amendment(s) incorporated in the Act(s).

Fruit-farms Settlement Act 1910 (1910 No 79) (Reprint of Statutes, Vol IV, p 855)**Hanmer Crown Leases Act 1928 (1928 No 5) (Reprint of Statutes, Vol IV, p 855)****Hutt Valley Lands Settlement Act 1925 (1925 No 33) (Reprint of Statutes, Vol IV, p 950)**

Hutt Valley Lands Settlement Amendment Act 1926 (1926 No 45) (Reprint of Statutes, Vol IV, p 957)

Hutt Valley Lands Settlement Amendment Act 1927 (1927 No 43) (Reprint of Statutes, Vol IV, p 959)

Land Act 1924 (1924 No 31) (Reprint of Statutes, Vol IV, p 622)

Land for Settlements Act 1925 (1925 No 15) (Reprint of Statutes, Vol IV, p 862)

Land for Settlements Amendment Act 1927 (1927 No 21) (Reprint of Statutes, Vol IV, p 920)

Land Laws Amendment Act 1920 (1920 No 43)

Land Laws Amendment Act 1925 (1925 No 50) (Reprint of Statutes, Vol IV, p 817)

Land Laws Amendment Act 1926 (1926 No 49) (Reprint of Statutes, Vol IV, p 818)

Land Laws Amendment Act 1927 (1927 No 33) (Reprint of Statutes, Vol IV, pp 826, 899)

Land Laws Amendment Act 1928 (1928 No 37) (Reprint of Statutes, Vol IV, pp 832, 924)

Land Laws Amendment Act 1929 (1929 No 8) (Reprint of Statutes, Vol IV, pp 834, 926)

Land Laws Amendment Act 1930 (1930 No 35) (Reprint of Statutes, Vol IV, p 843)

Land Laws Amendment Act 1931 (1931 No 40) (Reprint of Statutes, Vol IV, p 851)

Land Laws Amendment Act 1932 (1932 No 9)

Amendment(s) incorporated in the Act(s).

Land Laws Amendment Act 1935 (1935 No 25)

Land Laws Amendment Act 1939 (1939 No 35)

Land Laws Amendment Act 1944 (1944 No 34)

Amendment(s) incorporated in the Act(s).

Land Laws Amendment Act 1947 (1947 No 64)

Amendment(s) incorporated in the Act(s).

Maori Land Amendment Act 1932 (1932 No 25)

Amendment(s) incorporated in the Act(s).

Maori Purposes Act 1933 (1933 No 50)

Amendment(s) incorporated in the Act(s).

Maori Townships Act 1910 (1910 No 18) (Reprint of Statutes, Vol VI, p 363)

Amendment(s) incorporated in the Act(s).

Repatriation Act 1918 (1918 No 14) (Reprint of Statutes, Vol VIII, p 1082)

Amendment(s) incorporated in the Act(s).

Reserves and other Lands Disposal Act 1928 (1928 No 46)

Amendment(s) incorporated in the Act(s).

Reserves and other Lands Disposal Act 1929 (1929 No 18)

Amendment(s) incorporated in the Act(s).

Reserves and other Lands Disposal Act 1931 (1931 No 41)

Amendment(s) incorporated in the Act(s).

Reserves and other Lands Disposal Act 1932 (1932 No 24)

Amendment(s) incorporated in the Act(s).

Reserves and other Lands Disposal Act 1932–33 (1932–33 No 46)

Amendment(s) incorporated in the Act(s).

Reserves and other Lands Disposal Act 1933 (1933 No 45)

Amendment(s) incorporated in the Act(s).

Reserves and other Lands Disposal Act 1935 (1935 No 30)

Amendment(s) incorporated in the Act(s).

Reserves and other Lands Disposal Act 1937 (1937 No 39)

Amendment(s) incorporated in the Act(s).

Reserves and other Lands Disposal Act 1938 (1938 No 19)

Amendment(s) incorporated in the Act(s).

Reserves and other Lands Disposal Act 1939 (1939 No 23)

Amendment(s) incorporated in the Act(s).

Reserves and other Lands Disposal Act 1941 (1941 No 21)

Amendment(s) incorporated in the Act(s).

Reserves and other Lands Disposal Act 1943 (1943 No 14)

Amendment(s) incorporated in the Act(s).

Reserves and other Lands Disposal and Public Bodies Empowering Act 1924 (1924 No 55)

Amendment(s) incorporated in the Act(s).

Small Farms Act 1932–33 (1932–33 No 43)

Small Farms Amendment Act 1933 (1933 No 44)

Small Farms Amendment Act 1935 (1935 No 9)

Small Farms Amendment Act 1939 (1939 No 21)

Small Farms Amendment Act 1940 (1940 No 28)

Statutes Amendment Act 1936 (1936 No 58)

Amendment(s) incorporated in the Act(s).

Statutes Amendment Act 1938 (1938 No 20)

Amendment(s) incorporated in the Act(s).

Statutes Amendment Act 1940 (1940 No 18)

Amendment(s) incorporated in the Act(s).

Statutes Amendment Act 1941 (1941 No 26)

Amendment(s) incorporated in the Act(s).

Statutes Amendment Act 1942 (1942 No 18)

Amendment(s) incorporated in the Act(s).

Statutes Amendment Act 1943 (1943 No 20)

Amendment(s) incorporated in the Act(s).

Statutes Amendment Act 1945 (1945 No 40)

Amendment(s) incorporated in the Act(s).

Statutes Amendment Act 1946 (1946 No 40)

Amendment(s) incorporated in the Act(s).

Unemployment Amendment Act 1932 (1932 No 2)

Schedule 1 **Land Laws Amendment Act 1920**: inserted, on 25 October 1956, by section 10 of the Land Amendment Act 1956 (1956 No 42).

Schedule 2
**Certificate under section 116 of the Land Act 1948 for the issue of a
record of title under Land Transfer Act 2017**

Schedule 2: inserted, on 5 December 1951, by section 8(3) of the Land Amendment Act 1951 (1951 No 60).

Schedule 2 heading: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Name, occupation, and address of person entitled to Crown grant:

Statutory authority for issue of record of title:

Area and description of land:

Purchase price:

Fees collected:

Date from which entitled:

Trusts, reservations, and restrictions affecting land, and general remarks:

I hereby certify that the above particulars are correct, and the Registrar-General of Land is hereby authorised to issue a record of title under the Land Transfer Act 2017 instead of a Crown grant.

Signature:

(Director-General within the meaning of section 2 of the Survey Act 1986)

Schedule 2: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Schedule 2: amended, on 1 July 1996, by section 5 of the Survey Amendment Act 1996 (1996 No 55).

Schedule 2: amended, on 1 April 1987, by section 32(1) of the State-Owned Enterprises Act 1986 (1986 No 124).

Notes

1 *General*

This is a consolidation of the Land Act 1948 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68): section 6

Crown Pastoral Land Reform Act 2022 (2022 No 22): Part 2

Secondary Legislation Act 2021 (2021 No 7): section 3

Public Service Act 2020 (2020 No 40): section 135

Kāinga Ora—Homes and Communities Act 2019 (2019 No 50): section 33

Land Transfer Act 2017 (2017 No 30): section 250

District Court Act 2016 (2016 No 49): section 261

Auctioneers Act 2013 (2013 No 148): section 27

Public Finance (Mixed Ownership Model) Amendment Act 2012 (2012 No 45): section 11

Criminal Procedure Act 2011 (2011 No 81): section 413

Limitation Act 2010 (2010 No 110): section 58

Property Law Act 2007 (2007 No 91): section 364(1)

Relationships (Statutory References) Act 2005 (2005 No 3): section 7

Local Government Act 2002 (2002 No 84): section 262

Cadastral Survey Act 2002 (2002 No 12): section 68(1), (2)

Local Government (Rating) Act 2002 (2002 No 6): section 137(1)

Public Trust Act 2001 (2001 No 100): section 170(1)

Public Audit Act 2001 (2001 No 10): section 53

Land Amendment Act 1998 (1998 No 66)

Crown Pastoral Land Act 1998 (1998 No 65): sections 102, 104

Survey Amendment Act 1996 (1996 No 55): section 5
Foreshore and Seabed Endowment Revesting Amendment Act 1994 (1994 No 113): section 4
Company Law Reform (Transitional Provisions) Act 1994 (1994 No 16): section 2
Biosecurity Act 1993 (1993 No 95): section 167(1)
Te Ture Whenua Maori Act 1993 (1993 No 4): section 362(2)
Mental Health (Compulsory Assessment and Treatment) Act 1992 (1992 No 46): section 137(1)
Resource Management Act 1991 (1991 No 69): section 362
Judicature Amendment Act 1991 (1991 No 60): section 3(1), (4)
Conservation Law Reform Act 1990 (1990 No 31): section 37
Regulations (Disallowance) Act 1989 (1989 No 143): section 11
Survey Amendment Act (No 3) 1989 (1989 No 139): sections 6, 8(a)
Public Finance Act 1989 (1989 No 44): sections 83(7), 86(1)
Soil Conservation and Rivers Control Amendment Act 1988 (1988 No 48): sections 41(3), 52(1)
Ministry of Works and Development Abolition Act 1988 (1988 No 42): section 3(2)
Protection of Personal and Property Rights Act 1988 (1988 No 4): section 117(3)
Conservation Act 1987 (1987 No 65): section 65(1)
State-Owned Enterprises Act 1986 (1986 No 124): section 32(1)
Survey Act 1986 (1986 No 123): section 81(1), (3)
Land Amendment Act 1984 (1984 No 11)
Land Amendment Act 1982 (1982 No 183)
Rural Banking and Finance Corporation Amendment Act 1982 (1982 No 28): section 3(5)
Land Amendment Act 1981 (1981 No 44)
Public Works Act 1981 (1981 No 35): section 248(1)
National Parks Act 1980 (1980 No 66): section 80(1)
District Courts Amendment Act 1979 (1979 No 125): sections 2(3), 18(2)
Judicature Amendment Act 1979 (1979 No 124): section 12
Hunter Gift for the Settlement of Discharged Soldiers Amendment Act 1979 (1979 No 92): section 3(2)(c)
Local Government Amendment Act 1979 (1979 No 59): section 8(3)
Land Amendment Act 1979 (1979 No 57)
Fencing Act 1978 (1978 No 50): section 28(1)
Local Government Amendment Act 1978 (1978 No 43): section 3(5)
Public Finance Act 1977 (1977 No 65): section 139(1), (2)
Land Amendment Act 1977 (1977 No 51)
Land Valuation Proceedings Amendment Act 1977 (1977 No 15): section 6(3), (7A)
Land Amendment Act 1975 (1975 No 82)
Maori Affairs Amendment Act 1974 (1974 No 73): section 11(2)
Coal Mines Amendment Act 1972 (1972 No 8): section 49(3)
Ministry of Transport Amendment Act 1972 (1972 No 4): section 6(2)(a)
Land Amendment Act 1971 (1971 No 105)
Stamp and Cheque Duties Act 1971 (1971 No 51): section 101(1)
Mining Act 1971 (1971 No 25): section 245

Age of Majority Act 1970 (1970 No 137): section 6
Land Amendment Act 1970 (1970 No 122)
Public Bodies Leases Act 1969 (1969 No 141): section 28(1)(a)
Mental Health Act 1969 (1969 No 16): section 129(4), (7)
Land Amendment Act 1968 (1968 No 50)
Land Valuation Proceedings Amendment Act 1968 (1968 No 42): sections 2(4), 15
Land Amendment Act 1967 (1967 No 86)
Surveyors Act 1966 (1966 No 15): section 42(3)
Land Amendment Act 1965 (1965 No 48)
Land Amendment Act 1964 (1964 No 94)
Land Amendment Act 1963 (1963 No 93)
Public Revenues Amendment Act 1963 (1963 No 46): section 21
Land Amendment Act 1962 (1962 No 78)
Waimakariri - Ashley Water Supply Act 1961 (1961 No 131): section 43(2)
Land Amendment Act 1961 (1961 No 86)
Land Amendment Act 1960 (1960 No 68)
Land Amendment Act 1959 (1959 No 70)
Land Amendment Act 1958 (1958 No 72)
Oaths and Declarations Act 1957 (1957 No 88): section 32(1)
Public Trust Office Act 1957 (1957 No 36): section 142(1)
Land Amendment Act 1956 (1956 No 42)
Housing Act 1955 (1955 No 51): sections 13(2), 42(1)
Forest and Rural Fires Act 1955 (1955 No 44): section 62(1)
Maori Reserved Land Act 1955 (1955 No 38): section 93(1)
Public Works Amendment Act 1954 (1954 No 85): section 4(3)
Criminal Justice Act 1954 (1954 No 50): section 40(1)
Land Amendment Act 1954 (1954 No 37)
Maori Affairs Act 1953 (1953 No 94): section 473(1)
Land Amendment Act 1953 (1953 No 67)
Land Transfer Act 1952 (1952 No 52): section 245(1)
Land Amendment Act 1952 (1952 No 46)
Land Amendment Act 1951 (1951 No 60)
Land Amendment Act 1950 (1950 No 96)
Servicemen's Settlement Act 1950 (1950 No 41): section 45(1)
Legislative Council Abolition Act 1950 (1950 No 3): section 2(4)
Statutes Amendment Act 1949 (1949 No 51): section 31(2)
Forests Act 1949 (1949 No 19): section 73(1)