

Land Settlement Promotion and Land Acquisition Act 1952 034

Commenced: 16 Oct 1952; 17 Oct 1953, Land Settlement Promotion and Land Acquisition Amendment Act 1955; 15 Oct 1959, Land Settlement Promotion and Land Acquisition Amendment Act 1959; 18 Oct 1961, Land Settlement Promotion and Land Acquisition Amen

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THE LAND SETTLEMENT PROMOTION AND LAND ACQUISITION ACT 1952

1952, No. 34

An Act to provide for the closer settlement of farm land, for the acquisition of farm land that is, or, when subdivided and developed, will be, capable of substantially increased production, to prevent the undue aggregation of farm land, and to require that, for a period of 3 years from the passing of this Act, persons acquiring farm land shall personally reside on and farm the land

[16 October 1952]

1. Short Title---This Act may be cited as [the Land Settlement Promotion and Land Acquisition Act 1952].

The Short Title of this Act was amended, by inserting the words ``and Land Acquisition'', by s. 2 (2) of the Land Settlement Promotion and Land Acquisition Amendment Act 1968. Nothing in this Act is to apply to any disposition of land by vesting orders of the Maori Land Court. See s. 213B of the Maori Affairs Act 1953.

2. Interpretation---(1) In this Act, unless the context otherwise requires,---

``Agricultural purposes" has a meaning corresponding to the term ``agriculture", which for the purposes of this definition means the cultivation of the soil for the production of food products and other useful products of the soil, and includes the use of land for horticultural or pastoral purposes, or for the keeping of pigs, bees, or poultry:

[“Court” means the Administrative Division of the Supreme Court, including the additional members holding office under the Land Valuation Proceedings Act 1948, in the exercise of its jurisdiction under that Act:]

“Crown land” means Crown land within the meaning of the Land Act 1948:

“Discharged serviceman” has the same meaning as in Part I of the Rehabilitation Act 1941:

“Farm land” means land that, in the opinion of the [Land Valuation Tribunal], is or should be used exclusively or principally for agricultural purposes:

Provided that, where land that is being used exclusively or principally for agricultural purposes could, in the opinion of [the Tribunal], be used with greater advantage to the community generally for non-agricultural purposes, it shall for the purposes of this Act be deemed not to be farm land:

“Land Settlement Board” means the Land Settlement Board established under the Land Act 1948:

[“Land Valuation Tribunal” or “Tribunal” means a Land Valuation Tribunal established under the Land Valuation Proceedings Act 1948; and the expression “the Land Valuation Tribunal” or “the Tribunal”, when used in relation to any land or transaction, means the particular Land Valuation Tribunal to which any application or matter arising under this Act and relating to that land or transaction has been made or referred:]

“Lease in perpetuity” means a lease in perpetuity granted under the Land Act 1892 or the Land for Settlements Act 1892:

“Minister” means the Minister of Lands:

“Transfer” includes a conveyance, assignment, or other disposition:

“West Coast settlement land” means land subject to the West Coast Settlement Reserves Act 1892.

(2) For the purposes of this Act the current market value of any land or of any estate or interest in land at any time shall be the sum determined by an order of [a Land Valuation Tribunal] as being the sum which the land or estate or interest might be expected to realise at that time if offered for sale, unencumbered by any mortgage or other charge thereon, on such terms and conditions as a bona fide seller might reasonably be expected to require and as a willing but prudent and informed purchaser might reasonably be expected to accept.

[(3) For the purposes of this Act an application may be made to [[a Land Valuation Tribunal]] for an order declaring whether or not any land is farm land within the meaning of this Act, and [[the Tribunal]] may make such an order whether or not there is before [[the Tribunal]] any objection or application for consent to a transaction in respect of that land.]

In subs. (1):

“Court”: The definition of this term was substituted for the original definition by s. 15 of the Land Valuation Proceedings Amendment Act 1968.

“Farm land”: The words in square brackets were substituted for the words “Land Valuation Committee or, as the case may be, of the Administrative Division of the Supreme Court” (as amended by s. 2 (4) of the Land Valuation Proceedings Amendment Act 1968) by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977, and in the proviso the words “the Tribunal” were substituted for the words “the Committee or, as the case may be, of the Court” by that section.

“Land Valuation Tribunal”: The definition of this term was substituted for a definition of the term “Land Valuation Committee” by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

“West Coast settlement land”: As to land under the West Coast Settlement Reserves Act 1892, see now s. 3 (3) of the Maori Reserved Land Act 1955. (See S.R. 1976/43.)

In subss. (2) and (3) the words “a Land Valuation Tribunal” were substituted for the words “the Administrative Division of the Supreme Court” (as amended by s. 2 (4) of the Land Valuation Proceedings Amendment Act 1968) by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

Subs. (3) was added by s. 2 of the Land Settlement Promotion and Land Acquisition Amendment Act 1955.

In subs. (3) the words “the Tribunal” were substituted for the words “the Court” by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

TAKING OF FARM LAND FOR SETTLEMENT

Taking of Farm Land

3. Power to take land for settlement---(1) Where the Minister is of opinion that additional farm land is required for the settlement of landless discharged servicemen and others requiring land on which to establish themselves in farming and that sufficient land cannot be acquired for that purpose by voluntary negotiation, he may, on the recommendation of the Land Settlement Board, take any farm land that in the Minister's opinion is suitable or adaptable for settlement and is, or, when subdivided and developed, will be, capable of substantially increased production:

Provided that land shall not be taken from any owner unless he owns farm land, in fee simple or on lease perpetually renewable or on lease in perpetuity, which, in the opinion of the Minister or, as the case may be, of [the Land Valuation Tribunal], in the aggregate amounts to 3 or more economic farms or could by subdivision provide 3 or more economic farms:

Provided further that nothing in this subsection shall affect the right of any person to claim a retention area under subsection (4) of this section.

(2) Any such land may be taken notwithstanding that it may be the whole or a part of the land comprised in---

- (a) A lease or licence of Crown land:
- (b) A lease of West Coast settlement land,---

and, unless the context otherwise requires, every reference in this Act to land shall accordingly, in its application to any land comprised in any such lease or licence, be deemed to be a reference to the interest of the lessee or licensee in the land.

(3) Except as provided in subsection (2) of this section, no land shall be so taken if it is---

- (a) Maori land within the meaning of [the Maori Affairs Act 1953]:
- (b) Land held or administered by any statutory trustee or statutory Board or body for or on behalf of Maoris within the meaning of that Act.

(4) The owner of any farm land shall have the right to retain an area which---

(a) Is, or (when farmed to a standard of average efficiency by the type of farming by which the land is then being farmed) will be, the equivalent of 2 economic farms, or could by subdivision provide 2 economic farms; and

(b) Will also be sufficient to provide a separate economic farm (when utilised for the type of farming for which the land is most suitable or adaptable and farmed to a standard of average efficiency) for each child of the owner who at the date of the receipt by the owner of the notice under section 4 hereof is under the age of 21 years and, at the Minister's discretion, for each child of the owner who at that date has attained the age of 21 years and is in the Minister's opinion likely to follow farming as a career,---
or, at his option, any smaller area, the area so retained in either case to contain the homestead if the owner so desires.

(5) Subsection (4) of this section shall not apply in any case where the owner is farming any other land (whether as owner or as lessee or licensee under a lease or licence perpetually renewable or a lease in perpetuity) of an area which, in the opinion of [the Land Valuation Tribunal], is, or (when farmed to a standard of average efficiency by the type of farming by which the land is then being farmed) will be, the equivalent of 2 or more economic farms, or could by subdivision provide 2 economic farms, and is also sufficient to provide a separate economic farm (when utilised for the type of farming for which the land is most suitable or adaptable and farmed to a standard of average efficiency) for each child of the owner who at the date of the receipt by the owner of the notice under section 4 hereof is under the age of 21 years and, at the Minister's discretion, for each child of the owner who at that date has attained the age of 21 years and is in the Minister's opinion likely to follow farming as a career:

Provided that in every case the owner shall be entitled if he so desires to retain his homestead.

(6) For the purposes of this Part of this Act the term "owner", in relation to any land, means the legal owner or all the legal owners of the land or, in the case of Crown land or West Coast settlement land, means the lessee or licensee of the land.

(7) Nothing in this section shall be deemed to affect the power of the Crown to acquire land by way of purchase or by way of gift or otherwise under the Land Act 1948 or any other Act.

In subs. (1), in the first proviso, the words in square brackets were substituted for the words "the Committee or the Court" by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

In subss. (2) (b) and (6), as to West Coast settlement land, see s. 3 (3) of the Maori Reserved Land Act 1955, and S.R. 1976/43.

In subs. (3) (a) the Maori Affairs Act 1953, being the correspond enactment in force at the date of this reprint, has been substituted for the repealed Maori Land Act 1931.

In subs. (5) the words in square brackets were substituted for the words "the Committee or, as the case may be, the Court" by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

4. Notice of intention to take land---(1) Whenever the Minister intends to take any land under this Part of this Act he shall give notice of his intention to the owners and occupiers of the land and to all other persons having any interest in the land, so far as they can be ascertained.

(2) Every notice under this section shall specify the date on which possession of the land is required, and a date (not being less than 60 days after the date of the notice) on or before which objections may be made under the next succeeding section.

(3) Every notice relating to part only of any property shall have attached thereto a plan or diagram showing the boundaries and area of the land to which the notice relates.

(4) Any notice under this section may be at any time revoked by a subsequent notice under this section.

5. Objections---(1) Any owner or occupier of any land affected by a notice under the last preceding section or any other person having any interest in the land may object to the taking of the land.

(2) Every objection under this section shall be made in writing setting out the grounds of the objection, and shall be served on the Minister within the time specified in that behalf in the notice of intention to take the land.

(3) Where the owner desires to exercise the right to retain any part of the land under subsection (4) of section 3 of this Act, he shall claim that right in an objection under this section, and shall set out therein a description of that part of the land showing its approximate area and its boundaries or approximate boundaries, whether or not he also objects to the taking of the balance of the land. If no such claim is made as aforesaid the owner shall be deemed to have waived his right to retain any part of the land if the land is taken.

(4) If, after receiving an objection under this section, the Minister does not revoke the notice of his intention to take the land, the following provisions shall apply:

(a) If the objection does not relate to the right to retain part of the land, the Minister shall cause a copy of the objection to be filed in [the office of the Magistrate's Court in which, pursuant to section 21 of the Land Valuation Proceedings Act 1948, the objection is required to be filed]:

(b) If the objection relates only to the right to retain part of the land and the Minister agrees to the retention of the area specified in the objection, the objection shall be deemed to be withdrawn:

(c) If the objection relates to the right to retain part of the land (whether or not it also relates to the taking of the balance of the land) and the Minister does not agree to the retention of the area specified in the objection, the Minister shall, within 30 days after receiving the objection, or within such further time as may be allowed by [the Land Valuation Tribunal], by notice in writing, make to the owner an offer stating the area or approximate area of land that the Minister is prepared to allow the owner to retain and specifying its

boundaries or approximate boundaries, or alternatively, the Minister may notify the owner that he does not consider that the owner is entitled to retain any part of the land:

(d) If the owner does not, within 30 days after receiving a notice under paragraph (c) of this subsection, agree to the area so offered or, as the case may be, agree that no part of the land shall be retained, the Minister shall cause a copy of the objection to be filed in [the office of the Magistrate's Court in which, pursuant to section 21 of the Land Valuation Proceedings Act 1948, the objection is required to be filed]:

(e) If the owner agrees to the area so offered by the Minister or, as the case may be, agrees that no part of the land shall be retained and the objection relates only to the area to be retained, the objection shall be deemed to be withdrawn:

(f) The objection may be withdrawn by the objector, either wholly or partly, at any time.

In subs. (4) (a) and (d) the words in square brackets were substituted for the words "the office of the Supreme Court" (as amended by s. 15 of the Land Valuation Proceedings Amendment Act 1968) by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

In subs. (4) (c) the words in square brackets were substituted for the words "the Administrative Division of the Supreme Court" (as amended by s. 2 (4) of the Land Valuation Proceedings Amendment Act 1968) by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

[6. Hearing of objection---Subject to section 22 (2) of the Land Valuation Proceedings Act 1948, every such objection shall be heard and determined by the Land Valuation Tribunal.]

This section was substituted for the original s. 6 by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

7. Land to be taken by notice in Gazette---(1) If no objection is made as aforesaid to the taking of the land specified in any such notice, or if the order of [the Land Valuation Tribunal] disallows all such objections, or if all such objections are withdrawn or deemed to be withdrawn, the Minister may, by notice in the Gazette, declare that the land is taken for settlement.

(2) Subject to any conditions imposed under section 6 of this Act, the land so taken shall be the land specified in the notice of intention to take the land, except where the Minister, at the request of the owner, agrees to a variation of the area to be taken, whether by the exclusion of any part of the land or by the inclusion of any additional land.

(3) Upon a date to be specified in that behalf in the Gazette notice (in this Part referred to as the date of vesting) the land specified in the Gazette notice shall be deemed to be vested in Her Majesty the Queen, and to be freed from all restrictions, encumbrances, liens, and interests, except those specified in that behalf in the notice.

(4) Where any land comprised in a lease or licence of Crown land becomes vested in Her Majesty as aforesaid, the interest of the lessee or licensee in that land shall be deemed to be merged in the interest already owned or held by Her Majesty, and the land shall be deemed to be Crown land subject to the Land Act 1948.

(5) Where any land other than land comprised in a lease or licence of Crown land becomes vested in Her Majesty as aforesaid, the land, or (in the case of any West Coast settlement land) the interest of the lessee therein, shall be deemed to be Crown land subject to the Land Act 1948.

(6) Where---

(a) The land in respect of which the interest of the lessee or licensee becomes vested in Her Majesty as aforesaid is the whole or a part of the land comprised in a certificate of title in the name of Her Majesty;
or

(b) The land or interest vested in Her Majesty as mentioned in subsection (5) of this section is the whole or a part of the land comprised in a certificate of title in the name of the owner or lessee,---

the District Land Registrar shall, as the case may require, cancel the certificate of title either wholly or so far as it relates to that part of the land comprised therein. No such cancellation shall in any way affect the rights of any person entitled to any registered easement not acquired by Her Majesty. Every certificate of title that is partially cancelled under this subsection shall be retained by the District Land Registrar who shall, when required by the person entitled thereto, issue to that person, without payment of any fee, a certificate of title for the balance of the land comprised in the partially cancelled certificate of title.

In subs. (1) the words in square brackets were substituted for the words "the Court" by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

In subs. (5), as to West Coast settlement land, see s. 3 (3) of the Maori Reserved Land Act 1955, and S.R. 1976/43.

8. Adjustments in leases and licences where interest in part of land is taken---(1) Where the interest of the lessee or licensee in any part of the land comprised in any lease or licence (other than a deferred payment licence) becomes vested in Her Majesty under the last preceding section, the rent payable under the lease or licence shall be abated in the proportion of the whole rent payable thereunder which the value of that part of the land bears to the value of the whole of the land comprised in the lease or licence immediately before that vesting, excluding in each case the value of the improvements on the land belonging to the lessee or licensee. In the event of any dispute as to those values, or any of them, the matter shall be decided by [the Land Valuation Tribunal] in accordance with the provisions of this Act.

(2) Where the interest of the licensee in any part of the land comprised in any licence to occupy pending the completion of the purchase under a system of deferred payments becomes vested in Her Majesty under the last preceding section, the purchase money payable by the licensee under the licence shall be reduced by a proportion thereof equal to the proportion which the value of that part of the land bears to the value of the whole of the land comprised in the licence immediately before that vesting, excluding in each case the value of the improvements on the land 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. In the event of any dispute as to those values, or any of them, the matter shall be decided by [the Land Valuation Tribunal] in accordance with the provisions of this Act.

In subss. (1) and (2) the words in square brackets were substituted for the words "the Administrative Division of the Supreme Court" (as amended by s. 2 (4) of the Land Valuation Proceedings Amendment Act 1968) by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

Compensation

9. Compensation---(1) Every person having any estate or interest in any land taken under this Part of this Act shall be entitled to compensation therefor.

(2) In any case where land is taken under this Part of this Act the Minister shall offer such sum as he thinks fit, and if the offer is not accepted by the claimant the compensation payable shall be ascertained by [the Land Valuation Tribunal] as hereinafter provided.

(3) The amount of compensation to be awarded on a claim under this Part of this Act shall be the value (as at the date of vesting) of the claimant's estate or interest, based on the current market value of the land as determined under this Act:

Provided that the [Tribunal] may add to the compensation as so assessed such amount or amounts as the [Tribunal] considers the claimant to be entitled to by reason of any special loss caused to the claimant by reason of the compulsory taking of the land; and full particulars of every amount so added and of the grounds on which it is added shall be specified in the award of the [Tribunal].

(4) Without limiting the meaning of the term "special loss", it is hereby declared that for the purposes of this Act that term shall include any expenses necessarily incurred by the claimant in the re-adjustment of any mortgage where the land taken forms a part of the security for a mortgage.

[(5) Subject to section 22 (2) of the Land Valuation Proceedings Act 1948, every claim for such compensation shall be heard and determined by the Land Valuation Tribunal.]

In subs. (2) the words in square brackets were substituted for the words "the Administrative Division of the Supreme Court" (as amended by s. 2 (4) of the Land Valuation Proceedings Amendment Act 1968) by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

In subs. (3), in the proviso, the word "Tribunal" was substituted for the word "Court" by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

Subs. (5) was added by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

10. Claims for compensation---(1) No claim for compensation under this Part of this Act, other than a claim for special loss under the proviso to subsection (3) of the last preceding section, shall be made after a period of 6 months from the date of vesting specified in the Gazette notice taking the land, and no claim for special loss under that proviso shall be made after a period of 12 months from the date of that vesting.

(2) Every claim for compensation shall be made in writing in the prescribed form or to the like effect, and shall be filed in the [appropriate office of the Magistrate's Court (as defined in section 2 of the Land Valuation Proceedings Act 1948)].

(3) A copy of the claim shall be served on the Minister.

(4) In any case where no claim is made as aforesaid, the [Land Valuation Tribunal] may, upon the application of the Minister, deal with the matter as if a claim had been made in accordance with this section.

In subs. (2) the words in square brackets were substituted for the words "office of the Court nearest to the land to which the claim relates" by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

In subs. (4) the words in square brackets were substituted for the word "Court" by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

11. Order awarding compensation---[Subject to the right of appeal conferred by section 26 of the Land Valuation Proceedings Act 1948, every order of the Land Valuation Tribunal] determining a claim for compensation shall be final as regards the amount awarded, but shall not be deemed to be final as regards the right or title of the claimant or any other person to receive the compensation or any part thereof.

The words in square brackets were substituted for the words "Every order of the Court" by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

12. Power to discontinue proceedings on payment of costs and expenses---(1) At any time before an order fixing the compensation to be paid in respect of the taking of any land has been made, the Minister may discontinue the proceedings on terms of paying costs and expenses as hereinafter provided.

(2) The discontinuance shall be effected by gazetting a notice by the Minister that the Gazette notice taking the land is revoked and the proceedings are discontinued.

(3) A copy of the notice shall be filed in the [appropriate office of the Magistrate's Court (as defined in section 2 of the Land Valuation Proceedings Act 1948)], and a copy shall be served on each claimant.

(4) Where in any such case the District Land Registrar has under subsection (6) of section 7 of this Act cancelled or partially cancelled any certificate of title in respect of the land, the District Land Registrar shall, without payment of any fee, either---

(a) Revive the cancelled or partially cancelled certificate of title to the effect that it shall continue in force as if the land had not been taken for settlement; or

(b) Issue a new certificate of title for the land in the name of the person who was the registered proprietor under the cancelled or partially cancelled certificate of title at the date of the taking of the land for settlement, subject to all encumbrances, liens, and interests (if any) that existed on the land at that date; or

(c) In any case where under the said subsection (6) the District Land Registrar has issued a new certificate of title for the balance of the land comprised in a partially cancelled certificate of title, issue a new certificate of title for the portion of the land in respect of which the former certificate of title was partially cancelled in the name of the person who was the registered proprietor under the partially cancelled certificate of title at the date of the taking of the land for settlement, subject to all encumbrances, liens, and interests (if any) that existed on that portion of the land at that date.

(5) The claimant shall be entitled to payment of the following amounts, which shall, where necessary, be fixed by the [Land Valuation Tribunal], namely:

(a) The proper costs and expenses incurred by him up to the date of the discontinuance:

(b) Where the Crown has been in possession of the land, a reasonable sum by way of rent for the period during which the Crown was in possession.

In subs. (3) the words in square brackets were substituted for the words "office of the Court nearest to the land to which the notice relates" by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

In subs. (5) the words in square brackets were substituted for the word "Court" by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

Title to and Application of Compensation

13. Public Trustee to represent absentee claimants---In any case where any person who has any right or title to prefer a claim for compensation is not known, or is absent from New Zealand and has no known agent in New Zealand or is deceased and has no personal representatives, the Public Trustee, if the [Land Valuation Tribunal] so directs, shall represent the claimant and may act on his behalf in all matters incident to the claim or the hearing thereof, and in every such case the money payable as compensation shall be paid to the Public Trustee and shall be held by him subject to the provisions of the next succeeding section.

The words in square brackets were substituted for the word "Court" by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

14. When title doubtful, compensation to be paid into Public Trust Office---If any doubt or dispute arises as to the right or title of any person to receive any compensation awarded under this Part of this Act, or any compensation agreed to be paid by the Minister under this Part of this Act,---

(a) In the case of compensation awarded by [the Land Valuation Tribunal], the Minister may, within the period of 60 days after the [making of the order] awarding the compensation, cause the sum awarded to be paid to the Public Trustee; and the Public Trustee shall deal with and apply the money in such manner and shall pay it to such persons as the Supreme Court, upon the application of any of the parties interested or of the Public Trustee, may order:

(b) In the case of compensation agreed to be paid, the Minister may cause the sum agreed on to be paid to the Public Trustee; and the Public Trustee shall deal with and apply the money in such manner and shall pay it to such persons as the Supreme Court, upon the application of any of the parties or of the Public Trustee, may order:

(c) In any case which may be heard or disposed of by the Supreme Court under this section, that Court may order that all or any costs incurred in or in relation to the case, either before [the Land Valuation Tribunal] or before the Supreme Court, shall be paid by such of the parties, whether claimant, Minister, or a person interested as aforesaid, or that the costs be apportioned between such parties in such manner respectively as the Supreme Court may order; and that Court may vary or revoke any order previously made by [the Land Valuation Tribunal] as to costs.

In para. (a) the words in the first set of square brackets were substituted for the words "the Court", and the words in the second set of square brackets were substituted for the words "sealing of the order", by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

In para. (c) the words in square brackets, in both places, were substituted for the words "the Court within the meaning of this Act" (as amended by s. 15 of the Land Valuation Proceedings Amendment Act 1968) by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

15. How compensation in case of limited interests to be dealt with---(1) If compensation has been awarded or has been agreed to be paid under this Part of this Act in respect of land or any interest therein taken from any person having a partial or qualified interest only in the land, and not entitled to sell or convey the land or interest, as the case may be, the compensation shall be dealt with as follows:

(a) If the compensation amounts to [\$2,000] or upwards, it shall be paid to the Public Trustee, and the Public Trustee shall apply the same, upon an order of the Supreme Court made on the application of any person claiming any interest in the same or of the Public Trustee, to one or more of the following purposes, that is to say:

(i) To the discharge of any debt or encumbrance affecting the land or interest taken, or affecting any of the land settled therewith, or to the same or like uses, trusts, or purposes:

(ii) In the purchase of other lands to be transferred, limited, and settled upon the like uses, trusts, or purposes:

(iii) In removing any buildings on the land, or substituting others in their stead:

(iv) In the purchase of such securities as the Supreme Court may direct, to be settled in the same manner as the land:

(v) In the payment to any party becoming absolutely entitled thereto:

(b) If the compensation is more than [\$100] but less than [\$2,000] it shall be paid to the Public Trustee, and the Public Trustee may apply the same to any of the above-mentioned purposes; but no order of the Supreme Court shall be necessary:

Provided that in any such case the Public Trustee may, if he thinks fit, apply to the Supreme Court for directions as to the purposes to which the compensation shall be applied:

(c) If the compensation is not more than [\$100] it shall be paid to the parties entitled to the rents and profits of the land; or, in the case of the disability or incapacity of the parties, to their respective husbands, guardians, committees, or trustees, as the case may be.

(2) The provisions of this section shall not be deemed to prevent any person who has a partial or qualified interest in land to which interest he is solely entitled, and which he may absolutely sell or dispose of, from receiving any compensation in respect of that interest to which he may be declared entitled under any order, or which has been agreed to be paid to him as aforesaid.

In subs. (1) (a), (b), and (c) the references to money in decimal currency were substituted for references to money in the former currency by s. 7 of the Decimal Currency Act 1964.

16. Public Trustee may invest compensation money---Until any compensation paid to the Public Trustee under this Part of this Act is paid or applied by the Public Trustee as provided by section 14 or section 15 of this Act, the Public Trustee shall invest the same in the Common Fund of the Public Trust Office or upon other investments upon which any money held by the Public Trustee may by law be invested, and shall pay the annual proceeds thereof to the party for the time being entitled to the rents and profits of the land in respect of which the compensation was awarded or agreed to be paid.

17. Mortgaged lands---(1) If the land in respect of which compensation is awarded or agreed to be paid is subject to a mortgage, the compensation, or so much thereof as is required for the purpose, shall, upon the application of the mortgagee, be paid in discharge of the mortgage debt, or of part thereof, so far as the compensation will go; and, if the land is a part of lands subject to a mortgage debt, and the mortgagee requires a part of the debt to be discharged, [the Land Valuation Tribunal], unless the parties otherwise agree, shall determine what part of the compensation shall be paid in discharge of part of the mortgage debt, so that the remaining part of the mortgaged lands constitutes as good security as theretofore for the part of the mortgage debt remaining undischarged.

(2) In this section the expression "mortgage debt", in relation to any mortgage, includes the interest payable on the mortgage up to 6 months beyond the day on which notice was received by the mortgagee of the land affected being taken under this Part of this Act.

(3) The mortgagor under any mortgage affecting any land taken under this part of this Act shall be deemed to have the right, on giving to the mortgagee not less than one month's notice in writing of his intention so to do, to repay so much of the principal money secured by the mortgage as does not exceed the amount of compensation awarded or agreed to be paid in respect of so much of the land taken as was subject to the mortgage, with interest up to the date of repayment only or the date of expiration of the said notice only, whichever date is the later, at the expiration of 6 months from the day on which notice was received by the mortgagee of the taking of the land, unless an earlier date is provided by the mortgage. Where any question arises as to what portion of the compensation money was awarded or agreed to be paid in respect of so much of the land taken as was subject to the mortgage, that question, unless the parties otherwise agree, shall be determined by [the Land Valuation Tribunal].

(4) Nothing in the last preceding subsection shall in any way affect the rights of the mortgagee under subsection (1) of this section to require the whole or part of the compensation money to be paid in discharge or partial discharge of the mortgage debt.

In subss. (1) and (3) the words in square brackets were substituted for the words "the Administrative Division of the Supreme Court" (as amended by s. 2 (4) of the Land Valuation Proceedings Amendment Act 1968) by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

18. Lands subject to rentcharge---(1) If the land is subject to any rentcharge, [the Land Valuation Tribunal], unless the parties otherwise agree, shall determine what part of the compensation shall be paid to the party entitled to the rentcharge in redemption thereof; and, if the land is part of land subject to any rentcharge, the Court, unless the parties otherwise agree, shall determine what part of the compensation shall be paid in the redemption thereof, so that the remaining part of the land subject to the rentcharge shall be as good security as theretofore for the part of the rentcharge remaining unredeemed.

(2) In this section the term "rentcharge" includes an annuity.

In subs. (1) the words in square brackets were substituted for the words "the Administrative Division of the Supreme Court" (as amended by s. 2 (4) of the Land Valuation Proceedings Amendment Act 1968) by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

19. Lands on which rent is payable---If the land is part of land in respect of which any rent is payable, [the Land Valuation Tribunal], unless the parties otherwise agree, shall determine what part of the rent shall cease to be payable, so that the rent ceasing to be payable shall bear the same proportion to the whole rent as the value of the land in respect of which compensation is awarded or agreed to be paid bears to the value of the whole land.

The words in square brackets were substituted for the words "the Administrative Division of the Supreme Court" (as amended by s. 2 (4) of the Land Valuation Proceedings Amendment Act 1968) by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

Miscellaneous

20. Land taken to be properly farmed until date of vesting---(1) During the period between the giving of the notice of intention to take any land under this Part of this Act and the date of the vesting of the land in Her Majesty, the owner or occupier of the land---

(a) Shall continue to farm the land in accordance with the accepted practice of good husbandry in the district in which the land is situated:

(b) Shall maintain all buildings, fences, structures, and fixtures on the land in good and substantial repair, excepting depreciation from fair wear and tear, weather, or natural causes, without neglect of the owner or occupier, damage by fire, earthquake, tempest, or inevitable accident:

(c) Shall not overstock the land to the extent that the grazing value of the land may be injuriously affected:

(d) Shall not do anything upon or under the land with the purpose or effect of rendering the development or settlement of the land more difficult or costly.

(2) If any owner or occupier fails to comply with the provisions of this section the Court may reduce the compensation to be awarded to him by the amount of the loss or damage caused by the non-compliance, and may if necessary amend its award accordingly.

21. Power to carry out works on land before date of vesting---(1) Any person authorised by the Land Settlement Board either specially or generally may from time to time after the publication in the Gazette of the notice taking any land under this Part of this Act and before the date of the vesting of the land in Her Majesty enter upon the land and carry out any works or do any other things considered necessary for the purpose of promoting the development or settlement of the land.

(2) Any person having any estate or interest in the land who is prejudicially affected by the exercise of the powers conferred by this section shall be entitled to compensation therefor as for a special loss under this Part of this Act.

(3) The value of any improvements effected under this section shall not be taken into account by the Court in assessing the value of the land for the purposes of compensation.

22. Entry on land for purposes of inspection, etc.---Any person authorised by the Land Settlement Board either specially or generally may enter on any land at any time for the purpose of making any inspection, valuation, or survey for the purposes of this Part of this Act.

PART II

CONTROL OF SALES AND LEASES OF FARM LAND TO PREVENT UNDUE AGGREGATION AND ENSURE PERSONAL RESIDENCE

This Part does not apply to the granting, acquisition, or disposal of any mining privilege; see s. 4 of the Mining Act 1971.

Consent of Land Valuation Tribunal Required to Certain Transactions

23. Transactions to which this Part applies---(1) Subject to the provisions of this section, this Part of this Act shall apply to every contract or agreement---

(a) For the sale or transfer of any freehold estate or interest in farm land, whether legal or equitable:

(b) For the leasing of any farm land for a term of not less than 3 years:

(c) For the sale or transfer of any leasehold estate or interest in farm land, whether legal or equitable, of which a period of not less than 3 years is unexpired:

(d) For the sale or transfer of a lease of Crown land (being farm land) where, by virtue of section 208 of the Land Act 1924 or the corresponding provisions of any former Land Act, the consent of the Land Settlement Board is not required to the sale or transfer:

(e) For the granting of an option to purchase or otherwise acquire any freehold or leasehold estate or interest in farm land as aforesaid or to take any lease as aforesaid.

(2) Where any lease or any contract or agreement for a lease contains a provision enabling the lease or the contract or agreement for a lease to be renewed for any period or successive periods upon the expiration of the original term thereof, the period or periods for which the lease or contract or agreement may be so renewed shall, for the purposes of this Part of this Act, be deemed to be part of the original term thereof.

(3) Except as provided in section 30 of this Act, nothing in this Part of this Act shall apply with respect to---

(a) Any transaction entered into before the passing of this Act, or the exercise of any option granted before the passing of this Act:

- (b) Any contract or agreement for the transfer of any estate or interest without any valuable consideration in money or money's worth:
- (c) Any contract or agreement for the transfer of any estate or interest by way of security only or for the retransfer of property so transferred on the discharge of the security:
- (d) Any contract or agreement for the sale or transfer of any estate or interest to a trustee for the benefit of the wife or husband or a child or children or a grandchild or grandchildren of the vendor:
- (e) Any contract or agreement for the transfer of any estate or interest from a trustee to a trustee on the appointment of a new trustee or the retirement of a trustee:
- (f) Any contract or agreement for the transfer by a trustee, executor, or administrator to a beneficiary of any estate or interest to which the beneficiary is entitled under any trust, will, or intestacy:
- (g) Any contract or agreement for the sale or transfer of any estate or interest by a trustee, executor, or administrator to a purchaser pursuant to an option given in any trust or will:
- (h) Any contract or agreement for the sale or transfer of any estate or interest by or to the Crown:
- (i) Any transaction for which the consent of the Land Settlement Board is required under any Act or regulations:
- (j) Any transaction in respect of which the confirmation of the Maori Land Court is required under [Part XIX or Part XXIII of the Maori Affairs Act 1953], or any transaction which is effected by an order of the Maori Land Court or of the Maori Appellate Court:
- [(k) Any contract or agreement for the sale or transfer of any estate or interest by or by direction of [[the Maori Land Board]] or to that Board:]
- (l) Any transaction for which the approval, consent, or permission of the Minister of Maori Affairs or of [the Maori Land Board] or of both that Minister and that Board is required under any Act or regulations:
- (m) Any alienation of any estate or interest in land by the Maori Trustee as agent for the owner or owners under [Part XXV of the Maori Affairs Act 1953]:
- (n) Any contract or agreement for the dedication of a road or street:
- (o) Any contract or agreement for the sale or transfer of any estate or interest by the Government of a foreign State to the Government of any other foreign State:
- (p) Any contract or agreement for the granting of an option where the exercise of the option would result in a transaction of a class to which this Part of this Act does not apply:
- (q) Any contract or agreement for the sale or transfer or lease of any estate or interest pursuant to an option to which the consent of the Court [or a Land Valuation Tribunal] has been granted under this Act:
- (r) Any contract or agreement for the sale or transfer of any estate or interest in farm land of an area of not more than [2 hectares]:
- (s) Any transaction of a class for the time being exempted from this Part of this Act by regulations made under this Act.

[(4) In subsection (3) of this section the term ``transfer" includes a lease].

In subs. (3) (j), Part XIX and Part XXIII of the Maori Affairs Act 1953, being the corresponding enactments in force at the date of this reprint, have been substituted for Part XIII and Part XVIII of the repealed Maori Land Act 1931.

In subs. (3), para. (k) was substituted for the original para. (k) by s. 3 (1) of the Land Settlement Promotion and Land Acquisition amendment Act 1955.

In subs. (3) (k) and (l) the reference to the Maori Land Board was substituted for a reference to the Board of Maori Affairs by s. 11(2) of the Maori Affairs Amendment Act 1974.

In subs. (3) (m), Part XXV of the Maori Affairs Act 1953, being the corresponding enactment in force at the date of this reprint, has been substituted for Part III of the repealed Maori Purposes Act 1950. Part XXV has now been repealed by s. 6 of the Maori Purposes Act 1970.

In subs. (3) (q) the words in square brackets were inserted by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

In subs. (3) (r) the words ``2 hectares" were substituted for the words ``5 acres" by s. 2 (a) of the Land Settlement Promotion and Land Acquisition Amendment Act 1972.

Subs. (4) was added by s. 3 (2) of the Land Settlement Promotion and Land Acquisition Amendment Act 1955.

As to the application of this Act to the granting of new leases under the Maori Vested Lands Administration Act 1954, see s. 31 (3) of that Act.

As to Maori Land, see ss. 227 and 318 of the Maori Affairs Act 1953.

See also the Land Settlement Promotion and Land Acquisition Regulations 1968 (S.R. 1968/246).

24. Consent of Land Valuation Tribunal not required in certain cases---(1) Notwithstanding anything in this Part of this Act, the consent of the [Land Valuation Tribunal] shall not be required to any contract or agreement to which this Part of this Act applies where---

(a) The purchaser or lessee [enters into the transaction solely on his own behalf as the person beneficially entitled thereunder and] does not own, lease, hold, or occupy in fee simple or under any tenure of more than one year's duration, either severally, jointly, or in common with any other person, any farm land outside a city or borough or town district; and

(b) The purchaser or lessee has not after the passing of this Act transferred, granted, leased, or otherwise disposed of any estate or interest in farm land to any person as a trustee for any person or created any trust in respect of any estate or interest in farm land; and

[(bb) The transaction is not subject to Part IIA of this Act or the transaction is subject to that Part and the purchaser or lessee makes and files a declaration under section 35E of this Act within the time specified in that section; and]

(c) Repealed by s. 2 (a) of the Land Settlement Promotion and Land Acquisition Amendment Act 1961.

(d) The purchaser or lessee makes a statutory declaration as to the matters provided in [paragraphs (a), (b), and (bb)] of this subsection, and deposits that declaration with the District Land Registrar or the Registrar of Deeds, as the case may require, within one month after the date of the transaction or, in the case of a transaction relating to land situated in the Chatham Islands, within 3 months after the date of the transaction:

[Provided that nothing in this subsection shall apply in any case where the contract or agreement is a sale or transfer or lease by several persons of several estates or interests in land, unless those persons are owners of those estates or interests as joint tenants or tenants in common.]

(2) If a true copy of the declaration referred to in paragraph (d) of subsection (1) of this section is presented to the Registrar, he shall without payment of any fee certify on that copy that the original has been duly presented in accordance with the provisions of that paragraph.

(3) For the purposes of subsection (1) of this section---

(a) The interest of a Maori in any Maori land where that interest has not been partitioned shall not be deemed to be land owned, leased, held, or occupied by him:

(b) Land owned, leased, held, or occupied by a company the members of which are less than 10 in number shall be deemed to be owned, leased, held, or occupied in common by every member of the company; and land owned, leased, held, or occupied by any member of any such company shall be deemed to be owned, leased, held, or occupied by the company:

(c) Land owned, leased, held, or occupied by a husband or wife, as the case may be, of any person shall be deemed to be owned, leased, held, or occupied by that person:

(d) No account shall be taken of any land owned, leased, held, or occupied by any person as a mortgagee, trustee, executor, or administrator only:

[(e) Land owned, leased, held, or occupied by a parent of any child under the age of 17 years shall be deemed also to be owned, leased, held, or occupied by that child:

(f) Land in which any person has any estate or interest, whether legal or equitable and whether vested or contingent, under any trust or will or intestacy shall be deemed to be owned by that person:]

[(g) No account shall be taken of any land owned, leased, held, or occupied by any person, or the husband or wife, as the case may be, of any person where that person or, as the case may be, the husband or wife of that person has entered into a contract or agreement for the sale or transfer of the whole of his or her estate or interest in the land, and the [[Land Valuation Tribunal]] has granted an unconditional consent to the transaction, or the purchaser thereof has filed the statutory declaration referred to in subsection (1) of this section.]

In subs. (1) the words "Land Valuation Tribunal" were substituted for the word "Court" by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

In subs. (1) (a) the words in square brackets were inserted by s. 3 (1) of the Land Settlement Promotion and Land Acquisition Amendment Act 1959.

In subs. (1), para. (bb) was inserted by s. 6 (1) of the Land Settlement Promotion and Land Acquisition Amendment Act 1968.

In subs. (1) (d) the words in square brackets were substituted for the words "paragraphs (a) and (b)" (as amended by s. 2 (b) of the Land Settlement Promotion and Land Acquisition Amendment Act 1961) by s. 6 (2) (a) of the Land Settlement Promotion and Land Acquisition Amendment Act 1968.

In subs. (1) the proviso was added by s. 4 of the Land Settlement Promotion and Land Acquisition Amendment Act 1955.

In subs. (3), paras. (e) and (f) were added by s. 3 (2) of the Land Settlement Promotion and Land Acquisition Amendment Act 1959.

In subs. (3), para. (g) was added by s. 2 of the Land Settlement Promotion and Land Acquisition Amendment Act 1963.

In subs. (3) (g) the words "Land Valuation Tribunal" were substituted for the word "Court" by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

See also the Land Settlement Promotion and Land Acquisition Regulations 1968 (S.R. 1968/246).

25. Prohibiting transactions without consent of Land Valuation Tribunal---(1) Where any transaction to which this Part of this Act applies is entered into, the transaction shall be deemed to be entered into in contravention of this Part of this Act, unless---

(a) The transaction is entered into subject to [the consent of the Land Valuation Tribunal] and an application for [the consent of the Land Valuation Tribunal] to the transaction is made within one month after the date of the transaction or, in the case of a transaction relating to land situated in the Chatham Islands, within 3 months after the date of the transaction [or in either case within such further time as may be allowed by the Land Valuation Tribunal]; or

(b) In any case to which section 24 of this Act applies, the statutory declaration referred to in that section is deposited with the District Land Registrar or the Registrar of Deeds within the time specified in that section.

(2) No person shall---

(a) Enter into any transaction in contravention of this Part of this Act whether as vendor, purchaser, lessor, lessee, or other party, and whether as principal or agent; or

(b) Procure or induce any other person to enter into any transaction in contravention of this Part of this Act.

(3) No person shall be entitled to any commission, reward, or other valuable consideration in respect of any transaction entered into in contravention of this Part of this Act.

(4) Where any transaction is entered into in contravention of this Part of this Act, or where any condition upon or subject to which the [Tribunal] grants its consent to any transaction is not complied with, the transaction shall be deemed to be unlawful and shall have no effect.

(5) Where any transaction to which this Part of this Act applies is entered into subject to the consent of the [Tribunal], the transaction shall not have any effect unless the [Tribunal] consents to it and the conditions upon or subject to which the consent is granted are complied with.

[(6) The [[Land Valuation Tribunal]] shall not grant an extension of time within which to make application for the consent of the [[Tribunal]] to a transaction, unless the [[Land Valuation Tribunal]] . . . is satisfied that the delay in making the application was due to mistake (whether of fact or of law) of the parties or any of them or of any other person or to circumstances beyond the control of the parties or of any of them, and that the delay has not been used for the purposes of contravening the provisions of this Act.]

In subs. (1) (a) the words in the first and second sets of square brackets were in each case substituted for the words "the consent of the Court" by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977; and

the words in the third set of square brackets were substituted for the words ``or in either case within such further time as may be allowed by the Court or a Land Valuation Committee" (as inserted by s. 3 (1) of the Land Settlement Promotion and Land Acquisition Amendment Act 1963) by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

In subss. (4) and (5) the word ``Tribunal" was substituted for the word ``Court" by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

Subs. (6) was added by s. 3 (2) of the Land Settlement Promotion and Land Acquisition Amendment Act 1963.

In subs. (6) the words ``Land Valuation Tribunal," wherever they occur, were substituted for the words ``the Court or a Land Valuation Committee" by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977, and the word ``Tribunal" has been consequentially substituted for the word ``Court". The words `` , as the case may be," have been omitted as being otiose.

26. Powers of District Land Registrar and Registrar of Deeds---The District Land Registrar or the Registrar of Deeds, on receipt of a statutory declaration in the prescribed form as to the matters provided in [paragraphs (a), (b), and (bb)] of subsection (1) of section 24 of this Act, or on being satisfied by such evidence as he deems necessary that this Part of this Act does not apply to the transaction, shall, if the instrument or instruments relating to the transaction are otherwise in order, accept the same for registration.

The words in square brackets were substituted for the words ``paragraphs (a) and (b)" (as amended by s. 2 (c) of the Land Settlement Promotion and Land Acquisition Amendment Act 1961) by s. 6 (2) (b) of the Land Settlement Promotion and Land Acquisition Amendment Act 1968.

See also the Land Settlement Promotion and Land Acquisition Regulations 1968 (S.R. 1968/246).

Applications for Consent

27. Applications for consent---(1) Applications for the consent of the [Land Valuation Tribunal] to any transaction entered into subject to the consent of the [Land Valuation Tribunal] may be made in accordance with [the Land Valuation Proceedings Act 1948] by or on behalf of any party to the transaction.

[(2) Subject to section 22 (2) of the Land Valuation Proceedings Act 1948, every such application shall be heard and determined by the Tribunal.]

In subs. (1) the words ``Land Valuation Tribunal", in both places where they occur, were substituted for the word ``Court" by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977, and in the reference to the Land Valuation Proceedings Act 1948 the word ``Proceedings" was substituted for the word ``Court" by s. 3 (3) of the Land Valuation Proceedings Amendment Act 1968.

Subs. (2) was added by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

Granting or Refusal of Consent

28. Consent without hearing in certain cases---If in any case the Land Valuation [Tribunal] is satisfied that, having regard to the provisions of this Part of this Act, any application for the consent of the [Tribunal] to any transaction should be granted, the [Tribunal] may make an order consenting to the transaction in accordance with the application without calling on the applicant or hearing evidence.

The word ``Tribunal", where it firstly and thirdly appears, was substituted for the word ``Committee", and where it secondly appears, for the word ``Court", by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

[29. Consent after hearing---(1) If the Land Valuation [[Tribunal]], upon considering an application for consent and after hearing such evidence as it thinks fit, is satisfied---

(a) That the completion of the transaction will not cause an undue aggregation of farm land; and

(b) In any case to which section 29A of this Act applies, that the transaction should be exempted from the provisions of subsection (1) of that section; [[and

(c) In any case to which Part IIA of this Act applies, that consent should be given under that Part,--]]

the [[Tribunal]] shall make an order consenting to the transaction, either absolutely or subject to such conditions not inconsistent with the purposes of this Part of this Act [, or, in any case to which Part IIA of this Act applies, the purposes of that Part,] as the [[Tribunal]] thinks fit, but, if it is not so satisfied, it shall make an order refusing the application.

(2) Where (whether before or after the commencement of this section) the [[Tribunal]] has made an order consenting to the transaction subject to conditions that are to be fulfilled before the completion of the transaction, the District Land Registrar or the Registrar of Deeds shall not register any instrument relating to the transaction, unless he is satisfied, by statutory declaration made by a party to the transaction or by notice from the [[Tribunal]] or otherwise, that those conditions have been fulfilled.]

This section was substituted for the original s. 29 (as amended by s. 5 of the Land Settlement Promotion and Land Acquisition Amendment Act 1955, and ss. 2 (2) and 4 (2) of the Land Settlement Promotion and Land Acquisition Amendment Act 1959) by s. 3 of the Land Settlement Promotion and Land Acquisition Amendment Act 1961.

In subss. (1) and (2) the word "Tribunal" wherever it occurs, was substituted for the word "Committee" by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

In subs. (1), para. (c) was inserted by s. 6 (3) of the Land Settlement Promotion and Land Acquisition Amendment Act 1968, and in subs. (1) the words in the fourth set of double square brackets were inserted by s. 6 (2) (c) of that Act.

[29A. Transactions by trustees or by companies having infant shareholders---(1) Notwithstanding anything in this Act, where---

(a) The purchaser or lessee under any transaction is a trustee and any person beneficially entitled under the trust is under the age of 17 years at the date of the transaction; or

(b) The purchaser or lessee under any transaction is a company or a trustee for a company to be formed, and the members of the company or of the company to be formed are or will be fewer than 10 in number and---

(i) Any member of the company or intended member of the company to be formed is under the age of 17 years at the date of the transaction; or

(ii) Any member of the company or intended member of the company to be formed holds or will hold any shares therein as a trustee under a trust and any beneficiary under the trust is under the age of 17 years at the date of the transaction,---

[[the Land Valuation Tribunal]] shall not make an order consenting to the transaction unless, having regard to the matters specified in subsections (2) and (3) of this section, the [[Tribunal]] considers that the transaction should be exempted from the provisions of this subsection.

(2) The [[Tribunal]] may, at its discretion, exempt from the provisions of subsection (1) of this section any transaction to which paragraph (a) or subparagraph (ii) of paragraph (b) of that subsection applies, if it is satisfied that the trust has been created by an instrument which sufficiently evidences the terms thereof, and---

(a) That the persons beneficially entitled to the land or shares under the trust (whether their interests are vested or contingent) are engaged in a farming occupation or are receiving a special education to fit them for such an occupation, and the trust instrument provides that the land or shares shall ultimately vest in those persons or in such of them as fulfil the conditions of the trust; or

(b) That where---

(i) The owner of the land is a parent or grandparent of the persons beneficially entitled to the land or shares under the trust (whether their interests are vested or contingent); and

(ii) In any case to which the said paragraph (a) applies, the transaction would be exempt from the provisions of this Part of this Act by virtue of the provisions of paragraph (d) of subsection (3) of section 23 of this Act but for the fact that interests (whether vested or contingent) are created under the trust in favour of any child or wife or husband of the persons so beneficially entitled to the land or that interests are created under the trust contingent upon failure of any provision in favour of the persons so beneficially entitled to the land; and

(iii) In any case to which the said subparagraph (ii) of paragraph (b) applies, the transaction would in like manner be so exempt if it were a disposition of the land to the trustee of the shares,---

the owner of the land is retaining or will have an interest in farm land (including an interest as a shareholder in a company formed or to be formed) sufficient for the support of the owner and his or her spouse and such of the children of the owner as are dependent on the owner in a reasonable manner and in a reasonable standard of comfort, or that neither the owner nor his or her spouse has any intention of acquiring any interest in other farm land; or

(c) That the land is not suitable for the settlement or to facilitate the settlement of persons desirous of making a living from that land; or

(d) That, having regard to the provisions of paragraphs (a), (b), and (c) of this subsection, to the terms of the trust, and to all the circumstances of the case, it is equitable that such an exemption should be granted.

(3) The [[Tribunal]] may, at its discretion, exempt from the provisions of subsection (1) of this section any transaction to which subparagraph (i) of paragraph (b) of that subsection applies, if it is satisfied that---

(a) The member of the company or intended member of the company to be formed is engaged in a farming occupation or is receiving a special education to fit him for such an occupation; or

(b) That where the owner of the land is a parent or guardian of that member or intended member the owner of the land is retaining or will have an interest in farm land (including an interest as a shareholder in the company or in the company to be formed) sufficient for the support of the owner and his or her spouse and such of the children of the owner as are dependent on the owner in a reasonable standard of comfort, or that neither the owner nor his or her spouse has any intention of acquiring any interest in other farm land; or

(c) That the land is not suitable for the settlement or to facilitate the settlement of persons desirous of making a living from that land; or

(d) That, having regard to the provisions of paragraphs (a), (b), and (c) of this subsection, and to all the circumstances of the case, it is equitable that such an exemption should be granted.]

This section was substituted for the former s. 29A (as inserted by s. 4 (1) of the Land Settlement Promotion and Land Acquisition Amendment Act 1959) by s. 4 of the Land Settlement Promotion and Land Acquisition Amendment Act 1961.

In subs. (1) the words in the first set of double square brackets were substituted for the words "the Court or the Committee, as the case may be", and the word "Tribunal" was substituted for the words "Court or the Committee" by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

In subss. (2) and (3) the word "Tribunal" was substituted for the words "Court or the Committee" by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

30. Repealed by s. 473 (1) of the Maori Affairs Act 1953.

31. Matters to be considered in determining whether undue aggregation---(1) In considering whether the acquisition of the land affected by any application to [the Tribunal] for its consent will cause an undue aggregation of farm land, the Land Valuation [Tribunal] shall have regard to the following matters:

(a) Whether [in any case where the purchaser or lessee is an individual] the farm land already owned, leased, held, or occupied in fee simple or under any tenure of more than one year's duration by the purchaser or lessee, either severally, jointly, or in common with any other person, is sufficient to support the purchaser or lessee and his wife and such of his children as are dependent on him in a reasonable manner and in a reasonable standard of comfort; and

[(aa) Where the purchaser or lessee is a company and--- (i) The principal object and business of the company is to farm land; and

(ii) There are more than 25 shareholders in the company; and

(iii) No one shareholder is entitled, either directly or by a nominee on his behalf, to more than one-fifth of the voting rights at general meetings of the company,---

whether the farm land already owned, leased, held, or occupied in fee simple or under any tenure of more than one year's duration by the company, either severally, jointly, or in common with any other person, is

sufficient to enable it to operate efficiently and successfully and to pay adequate dividends to its shareholders; and]

(b) Whether, having regard to the farm land already owned, leased, held, or occupied in fee simple or under any tenure of more than one year's duration by the purchaser or lessee, either severally, jointly, or in common with any other person, the acquisition of additional farm land would, judged by ordinary and reasonable standards, be considered excessive; and

(c) The nature of the use to which the purchaser or lessee proposes to devote the land and his ability to achieve that purpose; and

[(d) Whether the acquisition would be in or against the public interest, and, without limiting the matters to be taken into consideration, it is hereby declared that for the purposes of this paragraph it is in the public interest---

(i) To ensure and preserve the diversification of the ownership of farm land by individuals or, in the case of farming by companies, by diversification of the ownership of shares in such companies:

(ii) That underdeveloped or depreciated farm land be acquired by persons competent and able to bring the land into production:

(iii) That the acquisition of land by any person will result in substantially increased production thereon:

(iv) That the intended use of the land will be in the interests of the community generally; and]

[(e) Whether a refusal of consent would result in an unavoidable and substantial hardship to the owner of the land.]

(2) For the purposes of this section,---

(a) Any estate or interest in farm land which after the passing of this Act the purchaser or lessee has transferred, granted, leased, or otherwise disposed of to any person as trustee for any person or in respect of which after that date the purchaser or lessee has created any trust shall be deemed to continue to be owned by the purchaser or lessee unless the Minister or, as the case may be, [the Tribunal] has consented to the transaction [and nothing in the application before [[the Tribunal]] substantially differs from or conflicts with any statement made by the purchaser or lessee for the purpose of obtaining that consent]:

(b) The interest of a Maori in any Maori land where that interest has not been partitioned shall not be deemed to be land owned, leased, held, or occupied by him:

(c) Land owned, leased, held, or occupied by a company the members of which are less than 10 in number shall be deemed to be owned, leased, held, or occupied in common by every member of the company; and land owned, leased, held, or occupied by any member of any such company shall be deemed to be owned, leased, held, or occupied by the company:

(d) Land owned, leased, held, or occupied by a husband or wife, as the case may be, of any person shall be deemed to be owned, leased, held, or occupied by that person unless the Land Valuation [Tribunal] is satisfied that that person and his or her spouse are living separate and apart by virtue of an order of any Court, or of an agreement for separation (whether written or oral), or by virtue of the fact that one spouse has deserted the other:

[(e) Land owned, leased, held, or occupied by a parent of any child under the age of 17 years shall be deemed also to be owned, leased, held, or occupied by that child:

(f) Land in which any person has any estate or interest, whether legal or equitable and whether vested or contingent, under any trust or will or intestacy shall be deemed to be owned by that person:

(g) Unavoidable and substantial hardship shall not be deemed to result solely because refusal of consent to a transaction would result in the owner of the land being unable to obtain the benefit of an excessive rent, sale price, or other consideration.]

(3) In considering for the purposes of this section the area of land already owned, leased, held, or occupied by any person no account shall be taken of land vested in him as a mortgagee, trustee, executor, or administrator only.

In subs. (1) the words ``the Tribunal" were substituted for the words ``the Administrative Division of the Supreme Court" (as amended by s. 2 (4) of the Land Valuation Proceedings Amendment Act 1968), and the

word "Tribunal" was substituted for the word "Committee", by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

In subs. (1) (a) the words in square brackets were inserted by s. 3 (1) of the Land Settlement Promotion and Land Acquisition Amendment Act 1968.

In subs. (1), para. (aa) was inserted by s. 3 (2) of the Land Settlement Promotion and Land Acquisition Amendment Act 1968.

In subs. (1), para. (d) was substituted for the original para. (d) by s. 3 (3) of the Land Settlement Promotion and Land Acquisition Amendment Act 1968.

In subs. (1), para. (e) was substituted for the original para. (e) by s. 5 (1) of the Land Settlement Promotion and Land Acquisition Amendment Act 1959.

In subs. (2) (a) the words in the second set of single square brackets were added by s. 5 (2) of the Land Settlement Promotion and Land Acquisition Amendment Act 1959, and the words "the Tribunal", in both places where they occur, were substituted for the words "the Committee or the Court" by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

In subs. (2) (d) the word "Tribunal" was substituted for the word "Committee" by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

In subs. (2), paras. (e)-(g) were added by s. 5 (3) of the Land Settlement Promotion and Land Acquisition Amendment Act 1959.

32, 33. Repealed by s. 2 (d) of the Land Settlement Promotion and Land Acquisition Amendment Act 1961.

34. Power to revoke consent in certain cases---(1) [The Land Valuation Tribunal] may call upon any person to whom consent has been granted under this Part of this Act to show cause why that consent should not be revoked on the ground---

(a) That a false or misleading statement has been made in connection with the application for consent; or

(b) That all the material facts in connection with the transaction were not submitted to [the Land Valuation Tribunal].

(2) Where [the Land Valuation Tribunal] calls upon any person to show cause under this section, that person shall forthwith forward to [the Tribunal] the order granting consent and shall not complete or proceed with the transaction to which the consent relates until [the Tribunal] has determined whether or not the consent should be revoked.

(3) Unless cause is shown to [the Land Valuation Tribunal] why the consent should not be revoked, [the Tribunal] may by order revoke the consent, which shall thereupon, for the purposes of this Act, be deemed not to have been obtained.

In subss. (1), (2), and (3) the words "the Land Valuation Tribunal" were substituted for the words "the Administrative Division of the Supreme Court" (as amended by s. 2 (4) of the Land Valuation Proceedings Amendment Act 1968) by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

In subss. (2) and (3) the words "the Tribunal", wherever they occur, were substituted for the words "the Court" by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

Transfers of Leases and Licences of Crown Land

35. Land Valuation Tribunal may consent to transactions on behalf of Land Settlement Board---(1) Where any transaction is, as to part of the land affected thereby, a transaction to which this Part of this Act applies and is also, as to any other part of the land affected thereby, a transaction to which this Part does not apply as being a transaction for which the consent of the Land Settlement Board is required, an application for the consent of [the Land Valuation Tribunal] to the transaction may be made under this Part of this Act, and in any such case [the Tribunal] may, if it thinks fit, deal with the application as if this Part of this Act applied to the whole of the transaction, but as if [the Tribunal] were bound by the provisions of any Act or regulations by which the Land Settlement Board would have been bound in dealing with any part of the transaction.

(2) Where [the Tribunal] makes an order consenting to the whole of any such transaction it shall not be necessary to obtain the consent of the Land Settlement Board to any part of the transaction.

In subs. (1) the words "the Land Valuation Tribunal" were substituted for the words "the Court", the words "the Tribunal", where they firstly appear, were substituted for the words "the Administrative Division of the Supreme Court" (as amended by s. 2 (4) of the Land Valuation Proceedings Amendment Act 1968), and the words "the Tribunal", where they secondly appear, were substituted for the words "the Court", by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

In subs. (2) the words "the Tribunal" were substituted for the words "the Administrative Division of the Supreme Court" (as amended by s. 2 (4) of the Land Valuation Proceedings Amendment Act 1968) by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

As to the application of this Act to the granting of new leases under the Maori Vested Lands Administration Act 1954, see s. 31 (3) of that Act.

[PART IIA CONTROL OF ACQUISITION OF LAND

This Part does not apply in respect of the granting, acquisition, or disposal of any mining privilege; see s. 4 of the Mining Act 1971.

[35A. Interpretation---(1) In this Part of this Act---

"New Zealand citizen" includes the wife of a New Zealand citizen:

"Overseas corporation" means a body corporate which---

(a) Is incorporated outside New Zealand; or

(b) Is a company within the meaning of the Companies Act 1955

that is for the purposes of that Act a subsidiary of any company or body corporate incorporated outside New Zealand; or

(c) Is a company, within the meaning of the Companies Act 1955, in which shares are held by persons who are not New Zealand citizens or are overseas corporations, being shares that in the aggregate carry the right to exercise or control the exercise of 25 percent or more of the voting power at any general meeting of the company.

(2) For the purposes of this Part of this Act, a person, being an individual, shall be deemed to be ordinarily resident in New Zealand on any date if---

(a) He has resided in New Zealand for not less than 2[1/2] years during the period of 3 years immediately preceding that date; and

(b) In the opinion of [[the Land Valuation Tribunal]], he is likely to continue to reside permanently in New Zealand.

(3) For the purposes of this Part of this Act, a body corporate shall be deemed to be ordinarily resident in New Zealand if it is incorporated in New Zealand and is not an overseas corporation.

(4) For the purposes of this Part of this Act, where in any transaction there are 2 or more purchasers, then---

(a) If one of the purchasers, being an individual, is not ordinarily resident in New Zealand, or, being a body corporate, is an overseas corporation, the provisions of this Part applicable to a purchase by persons or bodies corporate not ordinarily resident in New Zealand shall apply to the transaction:

(b) If one of the purchasers is an individual ordinarily resident in New Zealand and no person referred to in paragraph (a) of this subsection is a purchaser under the transaction, the provisions of this Part applicable to a purchase by a person ordinarily resident in New Zealand shall apply to the transaction.

(5) For the purposes of this Part of this Act, where the purchaser in any transaction is a trustee, the provisions of this Part shall apply as if each beneficiary were a purchaser.

In subs. (2) (b) the words in square brackets were substituted for the words "the Court or the Committee, as the case may be" by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

[35B. Transactions to which this Part applies---(1) Notwithstanding anything in this Act, and subject to the provisions of sections 35C and 35D of this Act, this Part of this Act shall apply to every contract or agreement---

- (a) For the sale or transfer of any freehold estate or interest in land, whether legal or equitable:
 - (b) For the leasing of any land for a term of not less than 3 years:
 - (c) For the sale or transfer of any leasehold estate or interest in land, whether legal or equitable, of which not less than 3 years is unexpired:
 - (d) For the granting of an option to purchase or otherwise acquire any freehold or leasehold estate or interest in land as aforesaid,---
- in any case where---
- (e) The purchaser of lessee,---
 - (i) Being an individual and not being a trustee, is not a New Zealand citizen; or
 - (ii) Being a body corporate and not being a trustee, is an overseas corporation; or
 - (iii) Is a trustee under a trust any beneficiary of which is not a New Zealand citizen or is an overseas corporation; and
 - [[f) The transaction relates to---
 - (i) Any land of [4,000 square metres] or over in area which under any operative regional planning scheme or proposed or operative district scheme under [the Town and Country Planning Act 1977] is designated or zoned as a reserve, or as a public park, or for recreation purposes, or as private open space, or for preservation as a place of or containing an object of historical or scientific interest or natural beauty, or any proposed such purpose; or
 - (ii) Any land of [2 hectares] or over in area which under any such proposed or operative district scheme is zoned for rural purposes or is so zoned that farming of any kind is a predominant or conditional use in that zone; or
 - (iii) Any land of [4,000 square metres] or over in area which is not included in any proposed or operative district scheme provided and maintained by any Council or other local authority under that Act; or
 - (iv) Any land being or forming part of any island (except the North Island and the South Island) which is less than [150 kilometres] from the nearest part of the coast of the North Island or of the South Island; or
 - (v) Any land being or forming part of any island of the Chatham Islands.]]

(2) Where any lease or any contract or agreement for a lease contains a provision enabling the lease or the contract or agreement for a lease to be renewed for any period or successive periods upon the expiration of the original term thereof, the period or periods for which the lease or contract or agreement may be so renewed shall, for the purposes of this Part of this Act, be deemed to be part of the original term thereof.

In subs. (1), para. (f) was substituted for the original para. (f) by s. 2 of the Land Settlement Promotion and Land Acquisition Amendment Act 1969.

In subs. (1) (f), in subpara. (i) the expression "4,000 square metres" was substituted for "1 acre", in subpara. (ii) the expression "2 hectares" was substituted for "5 acres", in subpara. (iii) the expression "4,000 square metres" was substituted for "1 acre", and in subpara. (iv) the expression "150 kilometres" was substituted for "100 miles", by s. 2 (b), (c), (d), and (e) respectively of the Land Settlement Promotion and Land Acquisition Amendment Act 1972.

In subs. (1) (f) (i) the Town and Country Planning Act 1977, being the corresponding enactment in force at the date of this reprint, has been substituted for the repealed Town and Country Planning Act 1953.

[35C. Transactions exempt from this Part---Nothing in this Part of this Act shall apply with respect to---

- (a) Any transaction entered into before the commencement of this Part, or the exercise of any option granted before the commencement of this Part:
- (b) Any transaction of any of the kinds specified in paragraphs (b) to (p) and paragraph (s) of subsection (3) of section 23 of this Act:

(c) Any transaction of a class for the time being exempted from this Part of this Act by regulations made under this Act:

(d) Any transaction consented to in writing by the Minister with the concurrence of the Minister of Finance, not being a transaction in respect of which the [[Land Valuation Tribunal]] has refused, on the merits, to grant its consent.

In para. (d) the words in double square brackets were substituted for the word ``Court" by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

[35D. Registration of dealings---Notwithstanding anything in this Act or in any other Act, the District Land Registrar or the Registrar of Deeds shall not register any dealing to give effect to any contract or agreement specified in paragraphs (a) to (d) of subsection (1) of section 35B of this Act, unless---

(a) The transaction is exempt from this Part of this Act under section 35C of this Act; or

(b) The [[Land Valuation Tribunal]] has consented to the transaction or, pursuant to section 35E of this Act, the consent of the [[Land Valuation Tribunal]] is not required; or

(c) The District Land Registrar or the Registrar of Deeds, as the case may be, is satisfied by a statutory declaration in the prescribed form made by every purchaser or lessee, or, where any purchaser or lessee is a body corporate, by a director or the secretary or other principal officer, that this Part of this Act does not apply to the transaction:

Provided that the District Land Registrar or Registrar of Deeds may accept as sufficient proof that this Part of this Act does not apply to the transaction a certificate to that effect endorsed on the memorandum of transfer or lease or instrument of conveyance and signed by the solicitor for the purchaser or lessee.

In para. (b) the words in double square brackets were substituted for the word ``Court" by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

See the Land Settlement Promotion and Land Acquisition Regulations 1968 (S.R. 1968/246).

[35E. Consent of Land Valuation Tribunal not required in certain cases---(1) Notwithstanding anything in this Part of this Act, the consent of the [[Land Valuation Tribunal]] shall not be required to any transaction to which this Part applies where---

(a) The purchaser or lessee---

(i) Is a British subject who is not a New Zealand citizen, or is a British protected person within the meaning of the British Nationality and New Zealand Citizenship Act 1948; and

(ii) Has resided in New Zealand for not less than 2[1/2] years during the period of 3 years immediately preceding the date of the transaction and intends to continue to reside permanently in New Zealand; and

(b) The purchaser or lessee makes a statutory declaration as to the matters provided in paragraph (a) of this subsection and deposits that declaration with the District Land Registrar or the Registrar of Deeds, as the case may require, within one month after the date of the transaction or, in the case of a transaction relating to land in the Chatham Islands, within 3 months after the date of the transaction.

(2) If a true copy of the declaration referred to in paragraph (b) of subsection (1) of this section is presented to the Registrar, he shall, without payment of any fee, certify on that copy that the original has been duly deposited in accordance with the provisions of that paragraph.

In subs. (1) the words in double square brackets were substituted for the word ``Court" by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

In subs. (1) (a) the British Nationality and New Zealand Citizenship Act 1948 has been repealed and replaced by the Citizenship Act 1977.

See the Land Settlement Promotion and Land Acquisition Regulations 1968 (S.R. 1968/246).

[35F. Prohibiting transactions without consent of Land Valuation Tribunal---Section 25 of this Act shall, with the necessary modifications, apply with respect to transactions to which this Part of this Act applies, as if references in that section to Part II of this Act were references to this Part and the reference to section 24 of this Act in paragraph (b) of subsection (1) were a reference to section 35E.

[35G. Applications for consent and consent without hearing in certain cases---Sections 27 and 28 of this Act shall, with the necessary modifications, apply with respect to transactions to which this Part of this Act applies, as if the reference in section 28 to Part II of this Act were a reference to this Part.

[35H. Matters to be considered where purchaser or lessee is not a New Zealand citizen or is an overseas corporation---(1) Notwithstanding anything in this Act, where any transaction is subject to the provisions of this Part of this Act, [[the Land Valuation Tribunal]] shall not grant its consent to the transaction unless, having regard to the matters specified in subsections (2) and (3) of this section, [[the Tribunal]] is of the opinion that consent should be granted.

(2) [[The Tribunal]] shall grant its consent to the transaction where it is satisfied that---

(a) The purchaser or lessee, being an individual and not being a trustee, is a person who is ordinarily resident in New Zealand; or

(b) In any case where the purchaser or lessee is a trustee, every beneficiary under the trust who is not a New Zealand citizen is ordinarily resident in New Zealand.

(3) Subject to subsection (2) of this section, where the purchaser or lessee, being an individual, is a person who in the opinion of [[the Tribunal]] is not a person who is ordinarily resident in New Zealand or, being a body corporate, is an overseas corporation, [[the Tribunal]] shall not grant its consent, unless it is satisfied---

[[(a) That the land is not designated or zoned as a reserve or as a public park, or for recreation purposes, or as private open space, or for preservation as an object or place of historical or scientific interest or natural beauty, or any proposed such purpose, under any operative regional planning scheme or proposed or operative district scheme under [the Town and Country Planning Act 1977]; and

(aa) That the land is not an island or part of an island which---

(i) Not being the north Island or the South Island, is less than [150 kilometres] from the nearest part of the coast of the North Island or of the South Island; or

(ii) Forms part of the Chatham Islands; and]]

(b) That, where the land is not designated or zoned for any of the purposes specified in paragraph (a) [[or paragraph (aa)]] of this subsection, the land is unlikely to be required for any such purpose. For the purposes of this paragraph [[the Tribunal]] may accept as sufficient evidence that the land is likely to be used for any purpose specified in paragraph (a) [[or paragraph (aa)]] of this subsection a certificate by the Commissioner of Works or by a local authority within the meaning of [[the Town and Country Planning Act 1977]] that any land comprised in the transaction, although not designated or zoned for that purpose, may be required for any of the purposes specified in [[either of those paragraphs]]; and

(c) That, where the land is farm land, the purchaser or lessee intends---

(i) To conduct experimental or research work on the land that will be of benefit to the development of agricultural industries in New Zealand and be in the interests of the community generally; or

(ii) To use the land for purposes other than agricultural purposes with greater advantage to the community generally; or

(iii) In the case of an individual, to reside permanently in New Zealand and farm the land exclusively for his own use and benefit,---

and that the purchase or lessee has the ability and the means to achieve those purposes.

(4) Notwithstanding anything in the foregoing provisions of this section, but without limiting any discretion of [[the Tribunal]] under any other provision of this section, [[the Tribunal]] shall grant its consent to the transaction where it is satisfied that---

(a) The purchaser is a mortgagee who has become the purchaser of the land at a sale conducted by a Registrar of the Supreme Court in the exercise of the mortgagee's power of sale under the mortgage; and

(b) The principal sum secured by the mortgage was advanced by the mortgagee in good faith for investment purposes or in the ordinary course of business of the mortgagee; and

(c) The purchase price does not exceed [[by more than \$100]] the aggregate of the amount due and owing under the mortgage, the reasonable expenses incurred by the mortgagee in connection with the sale,

and any other money expended by the mortgagee up to the date of the sale on or about the land in the protection of his security.

In subs. (1) the words "the Land Valuation Tribunal" were substituted for the words "the Court or the Committee, as the case may be," and the words "the Tribunal" were substituted for the words "the Court or the Committee" by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

In subss. (2) and (3) the words "the Tribunal" were substituted for the words "the Court or the Committee" by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

In subs. (3), paras. (a) and (aa) were substituted for the original para. (a) by s. 3 (1) of the Land Settlement Promotion and Land Acquisition Amendment Act 1969.

In subs. (3) (a) and (b) the Town and Country Planning Act 1977, being the corresponding enactment in force at the date of this reprint, has been substituted for the repealed Town and Country Planning Act 1953.

In subs. (3) (aa) the expression "150 kilometres" was substituted for "100 miles" by s. 2 (f) of the Land Settlement Promotion and Land Acquisition Amendment Act 1972.

In subs. (3) (b) the words in the first and third sets of double square brackets were inserted by s. 3 (2) (a) of the Land Settlement Promotion and Land Acquisition Amendment Act 1969, and the words in the fifth set of double square brackets were substituted for the words "that paragraph" by s. 3 (2) (b) of that Act.

In subs. (4) the words "the Tribunal", in both places where they occur, were substituted for the words "the Court" by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

In subs. (4) (c) the words in double square brackets were inserted by s. 3 (3) of the Land Settlement Promotion and Land Acquisition Amendment Act 1969.

[35I. Power to revoke consent in certain cases---The provisions of section 34 of this Act shall apply where consent to any transaction has been granted under this Part of this Act, as if it had been granted under Part II of this Act.]

Part IIA (comprising ss. 35A-35I) was inserted by s. 5 of the Land Settlement Promotion and Land Acquisition Amendment Act 1968.

PART III MISCELLANEOUS

36. Service of notices or documents---(1) In any case where it is provided by this Act that any notice or document is to be served on any person, the notice or document shall be delivered to that person, and may be delivered to him either personally or by posting it by registered letter addressed to that person at his last known place of abode or business in New Zealand. A notice or document so posted shall be deemed to have been served at the time when the registered letter would in the ordinary course of post be delivered.

(2) If the person is absent from New Zealand the notice or document may be delivered as aforesaid to his agent in New Zealand. If he is deceased the notice or document may be delivered as aforesaid to his personal representatives.

(3) If the person is not known, or is absent from New Zealand and has no known agent in New Zealand, or is deceased and has no personal representatives, the notice or document shall be delivered in such manner as may be directed by an order of the [Land Valuation Tribunal].

(4) Notwithstanding anything in the foregoing provisions of this section, the [Land Valuation Tribunal] may in any case make an order directing the manner in which any notice or document is to be delivered, or dispensing with the delivery thereof.

In subss. (3) and (4) the words in square brackets were substituted for the word "Court" by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

37. Death of vendor or lessor not to affect application or order for consent---(1) In the event of the death of the vendor or lessor in a transaction in respect of which an application for consent is pending under Part II

[or Part IIA] of this Act, the application and all proceedings in respect thereof shall enure and be continued as if it had been made by or in respect of the personal representatives of the deceased person.

(2) In the event of the death of the vendor or lessor in a transaction to which consent has been granted under Part II [or Part IIA] of this Act, the order granting consent shall enure as if it had been granted to or in respect of the personal representatives of the deceased person.

In subss. (1) and (2) the words ``or Part IIA" were inserted by s. 6 (2) (d) of the Land Settlement Promotion and Land Acquisition Amendment Act 1968.

38. Power to award costs---Subject to this Act and to any regulations made under this Act and to any [rules prescribing the procedure of Land Valuation Tribunals, the Tribunal], upon the hearing of any proceedings, may order that the whole or any portion of the costs of the proceedings or of any party thereto shall be paid by the Crown or by any of the parties to the proceedings.

The words in square brackets were substituted for the words "rules of Court, the Court" by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

39. Solicitors' fees---The Governor-General may from time to time, by Order in Council, fix the maximum fees that may be charged by any solicitor to any client in respect of proceedings in the Court or before any Land Valuation [Tribunal] under this Act.

The word ``Tribunal" was substituted for the word ``Committee" by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

40. Repealed by s. 101 (1) of the Stamp and Cheque Duties Act 1971.

[41. Exemptions from stamp duty and registration fees---No fees shall be payable to any District Land Registrar or Registrar of Deeds for registering any order of the Court [[or any Land Valuation Tribunal]], or on the deposit of any statutory declaration under section 24 of this Act.]

This section was substituted for the original s. 41 by s. 100 of the Stamp and Cheque Duties Act 1971. The words in double square brackets were inserted by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

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

(2) All regulations made under this section shall be laid before Parliament within 28 days after the date of the making thereof if Parliament is then in session, and, if not, shall be laid before Parliament within 28 days after the date of the commencement of the next ensuing session.

43. Offences---(1) Every person commits an offence against this Act who---

(a) Without lawful excuse acts in contravention of or fails to comply in any respect with any provision of this Act or of any regulations, order, or condition made or imposed under this Act:

(b) With intent to deceive makes any false or misleading statement or any material omission in any communication with or application to the Court or any Land Valuation [Tribunal] or any person (whether in writing or otherwise) for the purposes of this Act.

(2) Every person who commits an offence against this Act shall be liable on summary conviction---

(a) In the case of an individual, to imprisonment for a term not exceeding 3 months, or to a fine not exceeding [\$200], or to both:

(b) In the case of a body corporate, to a fine not exceeding [\$1,000].

(3) [Section 14 of the Summary Proceedings Act 1957] shall not apply with respect to a prosecution for an offence against this Act.

In subss. (1) (b) the word "Tribunal" was substituted for the word "Committee" by s. 6 (5) of the Land Valuation Proceedings Amendment Act 1977.

In subs. (2) (a) and (b) the references to money in decimal currency were substituted for references to money in the former currency by s. 7 of the Decimal Currency Act 1964.

In subs. (3), s. 14 of the Summary Proceedings Act 1957, being the corresponding enactment in force at the date of this reprint, has been substituted for s. 50 of the repealed Justices of the Peace Act 1927.
