

Maori Reserved Land Amendment Act 1998 001

Index

Title

- 1 Short Title and commencement
- 2 Act to bind the Crown
- 3 Right of lessee to elect to have compensation determined by Land Valuation Tribunal
- 4 Determination of compensation by Land Valuation Tribunal
- 5 Repeals
- 6 Consequential amendments
- 7 Transitional provisions

Schedule(s)

1 : Consequential Amendments to Maori Reserved Land Amendment Act 1997

1998, No. 1

An Act to amend the Maori Reserved Land Act 1955 [16 March 1998

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement--- (1) This Act may be cited as the Maori Reserved Land Amendment Act 1998, and is part of the Maori Reserved Land Act 1955.

(2) This Act comes into force on the date on which this Act receives the Royal assent.

2. Act to bind the Crown--- This Act binds the Crown.

3. Right of lessee to elect to have compensation determined by Land Valuation Tribunal--- (1) The chief executive of Te Puni Kokiri must, after the commencement of this Act, give to each lessee to whom the Maori Reserved Land Amendment Act 1997 applies a notice specifying both---

(a) The amount of compensation payable to the lessee under section 16 of the Maori Reserved Land Amendment Act 1997; and

(b) The amount of the solatium payment payable to the lessee under section 26 of the Maori Reserved Land Amendment Act 1997.

(2) The notice must state that the lessee may elect either---

(a) To accept both of the amounts specified in the notice; or

(b) To have the lessee's compensation determined by the Land Valuation Tribunal in accordance with section 4.

(3) The notice under subsection (1) must,---

(a) In the case of a lease to which the Maori Reserved Land Amendment Act 1997 applies on the commencement of this Act, be given to the lessee not later than 1 month after the date on which this Act comes into force; and

(b) In any case where a lease becomes, after the commencement of this Act, a lease to which the Maori Reserved Land Amendment Act 1997 applies, be given to the lessee not later than 2 months after the date on which that lease becomes a lease to which the Maori Reserved Land Amendment Act 1997 applies.

(4) In any case where a notice under section 17 (1) of the Maori Reserved Land Amendment Act 1997 has, whether before or after the commencement of this Act, been given to the lessee, the notice under subsection (1) must, in addition to the matters specified in subsection (2), state---

(a) That---

(i) The notice under section 17 (1) of the Maori Reserved Land Amendment Act 1997; and

(ii) Any notice in writing given under section 17 (4) (a) of the Maori Reserved Land Amendment Act 1997; and

(iii) Any application filed under section 17 (4) (b) of the Maori Reserved Land Amendment Act 1997---

are all of no effect; and

(b) That, if the lessee wishes to make an election of the kind described in the notice under section 17 (1) of the Maori Reserved Land Amendment Act 1997, the lessee must make a new election under subsection (5) of this section.

(5) The lessee may, within 3 months after being given a notice under subsection (1) of this section, elect either---

(a) To inform the chief executive of Te Puni Kokiri, by notice in writing signed by the lessee, that the lessee will accept both of the amounts specified in the notice; or

(b) To file in the appropriate office of the District Court, in accordance with section 21 of the Land Valuation Proceedings Act 1948, an application to have the lessee's compensation determined by the Land Valuation Tribunal in accordance with section 4.

(6) Where the lessee files an application under subsection (5) (b), the lessee must, within 3 working days after the day on which that notice is filed, give a copy of that application to the chief executive of Te Puni Kokiri, who is to be a party to the proceedings before the Land Valuation Tribunal.

(7) Where the lessee files an application under subsection (5) (b), the lessee is not entitled, in respect of the lease to which the application relates, to compensation under section 16 of the Maori Reserved Land Amendment Act 1997 or a solatium payment under section 26 of the Maori Reserved Land Amendment Act 1997.

(8) Where the chief executive of Te Puni Kokiri receives from the lessee a notice under subsection (5) (a), that chief executive must, within 3 months after the day on which he or she receives that notice, pay to the lessee the amounts specified in the notice given to the lessee under subsection (1).

(9) Where the lessee does not, within the period allowed by subsection (5), take either of the steps permitted by that subsection, the lessee is deemed to have given to the chief executive of Te Puni Kokiri on the last day of that period a notice under subsection (5) (a).

(10) In this section,---

``Land Valuation Tribunal" has the meaning given to it by section 2 of the Land Valuation Proceedings Act 1948:

``Lessee" has the meaning given to it by section 16 (4) of the Maori Reserved Land Amendment Act 1997.

4. Determination of compensation by Land Valuation Tribunal--- (1) Where a lessee files an application under section 3 (5) (b), the Land Valuation Tribunal has jurisdiction to determine, in accordance with this section, the amount to be paid to the lessee by the Crown as compensation for---

(a) The change to a more frequent rent review; and

(b) The change to a fair annual rent based on the unimproved value of the land; and

(c) The conditions imposed by the Maori Reserved Land Amendment Act 1997 on the assignment of the lessee's interest in the lease.

(2) The Land Valuation Tribunal must, as soon as practicable after 1 January 2001, determine the market value, as at 1 January 2001, of the lessee's interest in the lease.

(3) That market value must be determined---

(a) First, on the basis of what that market value would have been, as at 1 January 2001, if the Maori Reserved Land Amendment Act 1997 and this Act had not been proposed or enacted; and

(b) Second, on the basis of what that market value is, as at 1 January 2001, in the light of the enactment of the Maori Reserved Land Amendment Act 1997 and this Act.

(4) The Land Valuation Tribunal may, in making determinations under this section, take account of relevant valuation evidence arising after the commencement of the Maori Reserved Land Amendment Act 1997 or this Act.

(5) The amount of the compensation payable to the lessee under subsection (1) is the market value determined under subsection (3) (a) less the market value determined under subsection (3) (b).

(6) Every application made under section 3 (5) (b) must, subject to this section, be dealt with by the Land Valuation Tribunal in accordance with the provisions of the Land Valuation Proceedings Act 1948, which is to apply with all necessary modifications.

(7) In this section,---

``Land Valuation Tribunal" has the meaning given to it by section 2 of the Land Valuation Proceedings Act 1948:

``Lessee" has the meaning given to it by section 16 (4) of the Maori Reserved Land Amendment Act 1997.

5. Repeals--- The Maori Reserved Land Amendment Act 1997 is amended by repealing sections 17 and 18.

6. Consequential amendments--- The Maori Reserved Land Amendment Act 1997 is consequentially amended in the manner set out in the Schedule.

7. Transitional provisions--- (1) Every notice given, whether before or after the commencement of this Act, under section 17 (1) of the Maori Reserved Land Amendment Act 1997 is deemed to be, and to have always been, of no effect.

(2) Every notice in writing given under section 17 (4) (a) of the Maori Reserved Land Amendment Act 1997 is deemed to be, and to have always been, of no effect.

(3) Every application filed under section 17 (4) (b) of the Maori Reserved Land Amendment Act 1997, is deemed to be, and to have always been, of no effect.

(4) The chief executive of Te Puni Kokiri is not obliged to pay, and is deemed never to have been obliged to pay to any lessee, under section 17 (7) of the Maori Reserved Land Amendment Act 1997, the amounts specified in any notice given to that lessee under section 17 (1) of that Act.

(5) The Land Valuation Tribunal does not have, and is deemed never to have had, jurisdiction to deal with any application filed under section 17 (4) (b) of the Maori Reserved Land Amendment Act 1997.

SCHEDULE

Section 6

Consequential Amendments to Maori Reserved Land Amendment Act 1997

Provision Amended	Amendment
Section 3	By omitting from subsection (1) (f) (ii) the expression ``section 18", and substituting

	the expression ``section 4 of the Maori Reserved Land Amendment Act 1998".
Section 19 (1)	By omitting the expression ``sections 13 to 18", and substituting the expression ``sections 13 to 16 and in sections 3 and 4 of the Maori Reserved Land Amendment Act 1998".
Section 20 (1)	By inserting, after the words ``under this Act", the words ``or the Maori Reserved Land Amendment Act 1998".
Section 22	By adding, as subsection (2), the following subsection: ``(2) Payments of compensation made under the Maori Reserved Land Amendment Act 1998 are deemed, for the purposes of this section and section 30 of this Act and section CB 5 (1) (p) of the Income Tax Act 1994 (as added by section 31 of this Act), to be payments of compensation made under this Act."
Section 23 (1)	By omitting the expression ``section 18", and substituting the words ``section 4 of the Maori Reserved Land Amendment Act 1998".
Section 24	By inserting, after the words ``this Act", the words ``or the Maori Reserved Land Amendment Act 1998".
Section 26	By repealing subsection (9), and substituting the following subsection: ``(9) This section is subject to section 3 of the Maori Reserved Land Amendment Act 1998."

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This Act is administered in Te Puni Kokiri.