

Provided nevertheless as follows, that is to say :—

- (a.) That no person shall be entitled to compensation unless he either duly serves his claim on the Minister in the manner and within the period specified in the aforesaid notice,⁵ or derives title from a person who duly did so ; and also
- (b.) That the compensation payable shall in no case exceed the amount specified in such claim ; and also
- (c.) That for the purposes of this section the holder of a mining privilege shall not by virtue of such mining privilege be deemed to have any estate or interest in the land comprised therein. 10

Compensation not to exceed improved value of land.
1898, No. 38, sec. 113

131. With respect to every claim for compensation for any such damage or injury, the following special provisions shall apply :—

- (a.) In no case shall the total amount payable in respect of any such claim exceed the amount of the improved value of the claimant's estate or interest in the land, according to the valuation thereof in force for the purposes of "The Government Valuation of Land Act, 1896," at the date of the gazetting of such Proclamation ; or, if the Minister or the claimant desires, then according to a valuation as at that date to be made under that Act. 15 20
- (b.) In the event of the Minister and the claimant being unable to agree as to the amount of compensation, the Minister, if he thinks fit so to do, may cause the whole or any portion of the land for all the claimant's estate and interest therein to be taken compulsorily on behalf of His Majesty, under "The Public Works Act, 1894," as land required for a public work. 25
- (c.) The compensation for the land so taken, or, as the case may be, for all such damage and injury as aforesaid, shall be payable under this Act : 30

Provided that if only a portion of the claimant's land is so taken, and the value of the residue is thereby depreciated by severance or otherwise, he compensation to which he is entitled shall include compensation for such depreciation, anything hereinbefore contained to the contrary notwithstanding. 35

Amount payable.

Disposal of land.

- (d.) The Minister may cause the whole or any part of the land so taken to be disposed of under any of the provisions of "The Land Act, 1892," or to be paid for out of the Land for Settlements Account and disposed of under "The Land for Settlements Consolidation Act, 1900" : 40

Provided that the total amount which may be expended out of the Land for Settlements Account in respect of land under this section shall not exceed ten thousand pounds in any one financial year. 45

Deficiency.

- (e.) If the land so disposed of or paid for does not thereby realise the full amount of the compensation hereinbefore provided for, the deficiency shall be paid as the Minister recommends, either wholly out of the Consolidated Fund or in equal portions out of that fund and the goldfields revenue of the district wherein the land is situate. 50