



ANALYSIS

Title
1. Short Title

2. Form of application amended
3. Stratum estate as trustee investment

1981, No. 100

An Act to amend the Unit Titles Act 1972

[22 October 1981]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Unit Titles Amendment Act 1981, and shall be read together with and deemed part of the Unit Titles Act 1972 (hereinafter referred to as the principal Act).

2. Form of application amended—Form 1 in the First Schedule to the principal Act is hereby amended by repealing paragraph 2.

3. Stratum estate as trustee investment—(1) Section 4 of the Trustee Act 1956 is hereby amended by repealing subsection (3AA) (as inserted by section 29 (1) of the Unit Titles Amendment Act 1979), and substituting the following subsection:

“(3AA) In this section the term ‘real security’ also means a first mortgage of—

“(a) A stratum estate in freehold in a unit under the Unit Titles Act 1972; and

“(b) A stratum estate in leasehold in such a unit where the lease or licence relating to the land is one to which subsection (3) or subsection (3A) of this section applies,—

if—

“(c) The proprietor of the unit effects in respect of the unit a mortgage redemption policy within the meaning of and in accordance with section 39 of the Unit Titles Act 1972 to repay the whole of the sum secured under the mortgage; and

“(d) In the case of a stratum estate in leasehold in such a unit where the lease or licence relating to the land is one to which subsection (3A) of this section applies, the terms and conditions specified in paragraphs (b) and (c) of that subsection (so far as they are applicable and with all necessary modifications) are satisfied.”

(2) Section 4 of the Trustee Act 1956 is hereby further amended by inserting, after subsection (3B) (as inserted by section 4 (2) of the Trustee Amendment Act 1974), the following subsection:

“(3C) Subsections (1) and (3) of section 10 of this Act shall not apply in any case where a trustee, pursuant to subsection (3AA) of this section, lends money on the security of any property described in paragraph (d) of that subsection.”

(3) Section 29 of the Unit Titles Amendment Act 1979 is hereby consequentially repealed.

This Act is administered in the Department of Justice.
