

LAND AGENTS AMENDMENT BILL

EXPLANATORY NOTE

This Bill makes miscellaneous amendments to the Land Agents Act 1953.

Clause 2: Section 2 of the principal Act defines the term "land agent", who is, generally speaking, a person who acts, or holds himself out to the public as ready to act, for reward as an agent in respect of the sale or other disposal of land or businesses or the purchase or other acquisition of land or businesses or in respect of the leasing or letting of land. The term "land" is not defined in the Act, and this clause defines the term as including all estates and interests, whether freehold or chattel, in real property. This corresponds to the definition of the term in the Property Law Act 1952.

Clause 3: Section 7 (3) of the principal Act provides that no objection to the issue of a land agent's licence may be made except on grounds affecting the character or financial position of the applicant, or, where the application is made by a firm, the character or financial position of the partners, or, where the application is made by a company, the financial position of the company or the character of the directors or the general manager or any other responsible officer of the company. Section 13 (3) contains similar provisions relating to objections to the renewal of a licence.

The effect of this clause is to enable objections to be made to the granting or renewal of a licence on the ground also of the fitness of any such person. Under section 8 of the principal Act the fitness of the applicant and of the partners of the applicant, and of the directors or general manager and other responsible officers of a company that is an applicant, is a matter that the Magistrate must take into account before granting a licence.

Clause 4: Section 17 (1) of the principal Act provides that no licensed land agent may enter into any partnership with any person without the consent of a Magistrate, who must refuse to grant that consent unless he is satisfied as to the character and financial position of the proposed partner. This clause requires the Magistrate to be satisfied also as to the fitness of the proposed partner.

Clause 5: Section 19 of the principal Act requires a licensed land agent to exhibit on his office and on every branch office a statement of the fact that he is so licensed and to show those particulars on every notice, advertisement, and other publication issued by him and on all letters, accounts, agreements, and other documents sent out, entered into, or published by or on behalf of the licensee in connection with his business as a land agent. This clause provides that, where the licensee is a member of the Real Estate Institute of New Zealand Incorporated, then, so long as that Institute restricts its membership to licensed land agents, a statement by the licensee that he is a member of that Institute will be a sufficient compliance with the requirement that in the above-mentioned cases he must state that he is a licensed land agent.

Hon. Mr Marshall

LAND AGENTS AMENDMENT

ANALYSIS

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| Title | |
| 1. Short Title | 4. Magistrate to be satisfied as to fitness of proposed partner of licensed land agent |
| 2. Meaning of "land" | |
| 3. Objections to applications for licences may be made on ground of fitness of applicant | 5. Notices on registered office, etc., that land agent duly licensed |

A BILL INTITULED

An Act to amend the Land Agents Act 1953

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

1. **Short Title**—This Act may be cited as the Land Agents Amendment Act 1956, and shall be read together with and deemed part of the Land Agents Act 1953 (hereinafter referred to as the principal Act).
- 10 2. **Meaning of "land"**—Section two of the principal Act is hereby amended by adding the following subsection:
“(4) In this Act, unless the context otherwise requires, the term ‘land’ includes all estates and interests, whether freehold or chattel, in real property.”
- 15 3. **Objections to applications for licences may be made on ground of fitness of applicant**—(1) Section seven of the principal Act is hereby amended by inserting in subsection three, after the word “character” wherever it occurs, the words “or fitness”.

(2) Section thirteen of the principal Act is hereby amended by inserting in subsection three, after the word "character" wherever it occurs, the words "or fitness".

4. Magistrate to be satisfied as to fitness of proposed partner of licensed land agent—Section seventeen of the principal Act is hereby amended by inserting in subsection one, after the word "character", the words "and fitness". 5

5. Notices on registered office, etc., that land agent duly licensed—Section nineteen of the principal Act is hereby amended by inserting, after subsection two, the following subsection: 10

"(2A) Where any licensed land agent is a member of the Real Estate Institute of New Zealand Incorporated, then, so long as the rules of that Institute restrict the membership thereof to licensed land agents, it shall be deemed a sufficient compliance with the provisions of this section requiring the land agent to exhibit on his registered office and on every branch office and to show on any document the fact that he is licensed as a land agent if he exhibits on that office or shows on that document a statement that he is a member of that Institute." 15 20