

Mr. Witty.

## LAND AGENTS REGISTRATION.

### ANALYSIS.

<p>Title.</p> <ol style="list-style-type: none"> <li>1. Short Title.</li> <li>2. Interpretation.</li> <li>3. Land agents to be licensed.</li> <li>4. Application for license.</li> <li>5. License.</li> <li>6. Licensee may transfer license.</li> <li>7. Death or bankruptcy of licensee.</li> <li>8. Application of trust moneys.</li> </ol>	<ol style="list-style-type: none"> <li>9. Account of moneys received, and their application.</li> <li>10. Wrongful conversion and false accounts.</li> <li>11. When license may be cancelled.</li> <li>12. Civil remedies not affected.</li> <li>13. Carrying on business without a license.</li> <li>14. Onus of proof that person is licensed.</li> <li>15. Offences, fines, and fees.</li> </ol> <p>Schedule.</p>
--	--

### A BILL INTITULED

AN ACT to provide for the Licensing of Land Agents.

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

1. This Act may be cited as the Land Agents Act, 1912.

2. In this Act, if not inconsistent with the context,—

“Land agent” means a person whose business, either alone or as part of or in connection with any other business, is to sell land on commission otherwise than by auction; but does not include a licensed auctioneer:

“License” means a license granted under this Act.

3. (1.) From and after the first day of January, nineteen hundred and *thirteen*, no person shall carry on the business of a land agent unless he is the holder of a license under this Act.

(2.) Where a firm carries on the business of land agents it shall be sufficient if one member of the firm is the holder of a license on behalf of the firm.

(3.) Where a registered company carries on the business of land agents it shall be sufficient if some person appointed in writing by the company is the holder of a license on behalf of the company.

4. (1.) Every person who desires to obtain a license shall lodge with the Clerk of the Magistrate's Court in the district wherein he resides an application in the form numbered (1) in the Schedule hereto, together with a fidelity bond for *five* hundred pounds from some approved insurance company.

(2.) Such application shall be accompanied by testimonials as to the character of the applicant signed by not less than five residents of the district.

Title.

Short Title.

Interpretation.

Land agents to be licensed.

Application for license.

(3.) If the Court is satisfied that the applicant is a fit person to be the holder of a license under this Act he shall, on payment of a fee of *two* pounds, issue to the applicant a license in the form numbered (2) in the Schedule hereto.

License.

5. (1.) Such license shall take effect from the date of the issue thereof, and shall expire on the thirty-first day of December next following, and shall authorize the licensee to act as a land agent in any part of New Zealand during the currency of the license, unless the same is cancelled as hereinafter provided.

(2.) The issue of every license shall, within ten days after the issue thereof, be publicly notified by the Clerk of the Court in some newspaper circulating in the district; and the said Clerk shall keep a register of all licenses issued by the Court.

Licensee may transfer license.

6. A licensee may at any time during the currency of his license, by writing under his hand indorsed on the license, transfer his license to any person approved by the Magistrate's Court, and that person shall, on payment to the said Clerk of a fee of *ten* shillings, be deemed to be the holder of the license.

Death or bankruptcy of licensee.

7. Where a land agent dies or becomes bankrupt his executors or administrators or the Official Assignee, as the case may be, may transfer his license to any person approved by the Court, and such transferee shall, on payment to the Clerk of a fee of *ten* shillings, be deemed to be the holder of the license, and may act as a land agent during the currency thereof.

Application of trust moneys.

8. (1.) All moneys received by a land agent in respect of any sale of land shall be applied as follows:—

(a.) In payment of the expenses, commission, and other charges of or incidental to the sale.

(b.) In payment of the balance (if any) to the person on whose behalf the sale was made or as he may direct; and until payment of such balance shall be paid into a bank to a separate trust account.

(2.) Every land agent who commits a breach of this section is liable to a fine not exceeding *fifty* pounds.

(3.) Moneys paid into such trust account shall not be available for payment of the debt of any other creditor of the land agent, or be liable to be attached or taken in execution under the order or process of any Court at the instance of any such creditor.

Account of moneys received, and their application.

9. (1.) Within fourteen days after the completion of any sale of land by a land agent he shall render to the person on whose behalf the sale was made an account in writing of all moneys received by him in respect of such sale and of the application thereof, and shall within such period of fourteen days pay to such person the balance (if any) of such moneys as provided in the *last preceding* section.

(2.) For the purposes of this section a sale of land shall be deemed to be complete when the agreement for the sale is signed by both parties, or by the purchaser and the agent on behalf of the vendor, and the deposit (if any) is paid.

(3.) Every land agent who fails to render such account is liable to a fine not exceeding *ten* pounds.

10. Every land agent is liable on indictment to two years' imprisonment with hard labour who— Wrongful conversion and false accounts.

5 (a.) Fraudulently converts to his own use any moneys received by him in respect of any sale of land or any part thereof; or

(b.) Fraudulently renders an account of any such moneys knowing the same to be false in any material particular.

10 11. If any land agent is convicted of a breach of section seven hereof or of the last preceding section his license shall be ipso facto cancelled; and if any land agent who has been convicted of any other offence against this Act is within twelve months thereafter convicted of a second or any subsequent offence of any kind against this Act, the Court may, if it thinks fit, in addition to any other penalty, cancel his license. When license may be cancelled.

15 12. Nothing in this Act shall affect any civil remedy that any person may have against a land agent in respect of any matter. Civil remedies not affected.

13. Every person (not being the holder of a license) who carries on business as a land agent, is liable to a fine not exceeding fifty pounds. Carrying on business without a license.

20 14. In all proceedings against any person for having carried on business as a land agent without a license such person shall, unless he produces his license or brings other satisfactory proof of his having been licensed at the time when the offence was alleged to have been committed, be deemed to have been unlicensed. Onus of proof that person is licensed.

25 15. (1.) All offences against this Act, except under section nine hereof, may be heard and determined in a summary way by any two Justices. Offences, fines, and fees.

(2.) All fines shall, when recovered, be paid into the Public Account and form part of the Consolidated Fund.

30 (3.) All license fees shall, after deducting any expenses incurred in respect of the license, be paid over to the Hospital and Charitable Aid Board of the district.

SCHEDULE.

Schedule.

(1.) APPLICATION FOR LICENSE.

To the Magistrate's Court, holden at . . . I, A.B., of . . . , hereby make application for a land agent's license. My sole [or principal] place of business is in the County [or Borough, or Town District] of . . .

Dated this . . . day of . . . , 19 . . . (Signed) . . . , A.B.

(2.) LAND AGENT'S LICENSE.

A.B., whose place of business is . . . , is hereby authorized to carry on business as a land agent in New Zealand.

This license shall continue in force until the 31st day of December next after the date hereof, unless it is cancelled in the meantime.

Dated at . . . , the . . . day of . . . , 19 . . . (Signed) C.D., Stipendiary Magistrate.

(Countersigned) E.F., Clerk.