

NATIVE HOUSING AMENDMENT BILL.

EXPLANATORY MEMORANDUM.

Clause 2.—This clause enables Crown lands to be set apart for Native housing purposes. In such cases the Board of Native Affairs will erect houses and dispose of them to Natives by sale or lease. A similar provision exists in the Housing Act, 1919, dealing with housing for Europeans.

Clause 3.—This clause gives a general power to the Board of Native Affairs to acquire lands for Native housing purposes and will enable houses to be erected for Natives who own no land, or insufficient interests in land, or whose lands are leased or otherwise unavailable or unsuitable. Dwellings erected on such lands will be sold, leased, or let under the succeeding clauses.

Clause 4.—This clause gives the Board of Native Affairs a general power to carry out in connection with lands acquired or set apart such works as will render the lands suitable for housing purposes. It also gives the Board power to erect dwellings and improve dwellings.

Clause 5.—This clause enables the Board of Native Affairs to dispose of dwellings erected or acquired by it by way of sale or lease.

Clause 6.—This clause limits the class of persons who shall be qualified to acquire a dwelling under the Act to Natives. The term "Native" is defined in the principal Act to mean a person belonging to the aboriginal race of New Zealand, and includes a person descended from a Native.

Clause 7.—This clause enables the Board of Native Affairs to fix the price at which a dwelling shall be sold.

Clause 8.—This clause provides that any dwelling sold shall be sold under an agreement for sale and purchase, but a prospective purchaser may obtain a direct title upon a sale for cash if he wishes to do so.

Where the purchase-money is payable by instalments the rate of interest is fixed by the Board, but shall not exceed the current rate charged by the State Advances Corporation.

In cases of hardship or other special circumstances the Board may extend the time for payment of instalments under the agreement.

To ensure, however, that instalments will be regularly paid the Board may take assignments of rents or other moneys payable to the purchaser in respect of the alienation of his other lands, or of the produce of his land or stock, or of any other moneys payable to him.

Clause 9.—This clause enables the cost of any improvements effected to a dwelling by the Board while the purchaser is in the process of completing his payments under an agreement for sale and purchase to be added to the purchase-money remaining unpaid, and the Board may either increase the amount of the instalments or permit the purchaser to rearrange the payments by entering into a new agreement upon the surrender of the existing agreement.

A similar provision exists in the Housing Act, 1919.

Clause 10.—Upon default being made by a purchaser under the covenants of his agreement to purchase, the Board may revoke the agreement upon giving the purchaser one month's notice of its intention so to do.

The purchaser shall then give up possession of the dwelling, and upon his so doing he shall be entitled to a refund of the instalments of purchase-money paid by him, less interest charges then owing, depreciation in value of the dwelling, costs incurred or loss suffered by the Board in the revocation, and any rent that may be payable as damages while the purchaser remains in possession after revocation.

If the purchaser continues in possession of the dwelling after he has made default and the Board has cancelled the agreement, he shall be deemed to be a trespasser and shall be liable for damages in the nature of rent at a weekly rate to be fixed by the Board.

A similar provision exists in the Housing Act, 1919, except that under the present clause the procedure for obtaining possession of the premises on default is simplified.

Clause 11.—The effect of this clause is to prevent a purchaser under an agreement for sale and purchase selling, leasing, mortgaging, or otherwise disposing of a dwelling, without the consent of the Board, until he has completed his payments and obtained a title to the dwelling. Upon his obtaining title there is no restriction on dealings with the dwelling except that any alienation requires to be confirmed by the Native Land Court under clause 12.

Under paragraph (3) of the present clause, however, there are no restrictions on dispositions by will in favour of the widow, widower, or child of the purchaser or in favour of another Native, or on any disposition by operation of law.

Clause 12.—Under this clause the purchaser becomes entitled to receive a title when he completes his payments under his agreement for sale and purchase. The land becomes Native land within the meaning of the Native Land Act, 1931, and the owner is deemed to be a Native within the meaning of that Act, and any alienation of the land would require to be confirmed by the Native Land Court, which would be bound to inquire as to whether or not the alienation was in the interest of the Native alienating, and could refuse confirmation in proper cases.

Clause 13.—This clause enables the Board to grant leases or tenancies of dwellings which it erects or acquires for any term not exceeding three years.

Clause 14.—This clause prevents the lessee of a dwelling from disposing of the same without the consent of the Board, but this restriction does not prevent dispositions by will in favour of the widow, widower, or child of the lessee, or in favour of another Native, or any disposition by operation of law.

Clause 15.—This clause gives the Board power to determine leases and tenancies if the tenant is negligent in the care of the dwelling, or is otherwise unsuitable as tenant, or if he commits a breach of any of the conditions of his tenancy.

Clause 16.—This clause gives the Board a general power to dispose of any land or buildings which it has acquired or erected and which are no longer required for the purposes of the Act.

Clause 17.—This clause exempts land and dwellings sold under the Act from the restrictions upon aggregation of area imposed by Part XIII of the Land Act, 1924, and Part XII of the Native Land Act, 1931.

Clause 18.—This clause establishes the Special Native Housing Fund for the purpose of housing that class of Natives who are unable to give the security or to make the payments which the Board would ordinarily require them to give or make in respect of any advances made to them or dwellings disposed of to them. The class includes pensioners, workers, Natives in indigent circumstances, and the like.

The custodian of the Fund is the Native Trustee, who makes payments to the Maori Land Boards, who in turn are required to expend the moneys as directed by the Board of Native Affairs.

The clause also authorizes local authorities, persons, companies, other corporate bodies, and trustees to make gifts of land or money for the purpose of augmenting the fund, if they so desire.

Clause 19.—Section 3 of the principal Act enables advances to be made to applicants for the purchase of land as a site for a dwelling—*i.e.*, vacant land—but does not appear to authorize advances for the purchase of existing dwellings. The present clause remedies this, provided purchases are made upon a proper valuation.

The clause also enables rates and other charges to be paid and will enable a Native to rearrange an existing mortgage on his dwelling and thus obtain the benefit of finance under the Native Housing Act. This portion of the clause is to clarify and extend existing powers.

Clause 20.—Cases have arisen where an applicant for an advance under the principal Act has no land or no suitable land upon which to build a dwelling and his relatives desire to gift a section of land to him for that purpose. This clause enables the Native Land Court to make vesting-orders to give effect to the wishes of the parties and simplifies the procedure for that purpose by doing away with the inconvenience and delay of executing a transfer and obtaining confirmation by the Native Land Court.

Under the clause, one Native cannot gift to another a greater area than 1 acre.

Clauses 21 to 24.—These clauses provide for the charging of lands with the amounts advanced in respect of the land and for the manner in which the charges may be enforced.

Clause 21 enables a statutory charge to be obtained and provides that the Native Land Court may make orders evidencing the charge and also orders charging other lands of the borrower.

Clause 22 enables the variation or revocation of charges where it is necessary to do so. It also enables a charge over part of the lands to be discharged, even though all of the moneys owing have not actually been repaid.

Clause 23 provides for the enforcement of charges. This may be done in three ways:—

- (a) In the same manner as if the charge were a registered mortgage:
- (b) By the appointment of a receiver:
- (c) By vesting the land or any part thereof in the Crown. In this case, if there is a dwelling on the land, the Board may dispose of the same again. If the land is vacant land it becomes Crown land and may be proclaimed as such.

Clause 24 provides for the repeal of section 8 of the principal Act, for which the above provisions are in substitution, in order to bring them more into line with the provisions of the Native Land Amendment Act, 1936, dealing with the development of Native lands.

Clause 25.—Lands set apart and reserved for Natives for special purposes are, generally, inalienable, whether to the Crown or to any other person. This restriction thus prevents the erection of dwellings on Native reserves, as securities for the advances made cannot be taken over such lands. The present clause enables securities to be so taken, but only for the purposes of the principal Act, and does not change the existing law in any other way.

Clause 26.—The purpose of this clause is to make it unnecessary for the requirements of confirmation of the Native Land Act, 1931, to be complied with by the Crown in respect of mortgages taken to secure advances made under the principal Act.

Clause 27.—Repayments of principal and interest made by Natives who have received advances, and payments made in respect of dwellings sold, leased, or let, will be made to the Maori Land Boards or the Native Trustee. The purpose of the present clause is to provide that neither the Maori Land Boards nor the Native Trustee shall charge a commission on the moneys so paid to them.

Clause 28.—The purpose of this clause is to enable fees payable by applicants in indigent circumstances to be paid by the Board in proper cases at its discretion.

Clause 29.—This clause provides for the exemption from stamp duty of documents executed for the purposes of the principal Act.

Clause 30.—This clause provides for the mode of recovery of moneys owing or of the possession of dwellings. Proceedings may, at the direction of the Board, be taken by the Maori Land Board or other person—*i.e.*, a Registrar of the Native Land Court.

Clause 31.—This clause provides for the making of regulations for administrative purposes.

Clause 32.—This clause provides for the inclusion in the annual statements of account of additional particulars.

Clause 33.—This is the usual validation clause.

Hon. Mr. Langstone.

NATIVE HOUSING AMENDMENT.

ANALYSIS.

Title.	
1. Short Title.	16. Board may sell land not required for purposes of Act.
	17. Part XIII of Land Act, &c., not to apply.
<i>Setting apart Land for Dwellings.</i>	<i>Special Housing Fund.</i>
2. Crown land may be set apart for purposes of principal Act.	18. Special Native Housing Fund.
3. Board of Native Affairs may acquire land to be set apart under principal Act.	<i>Miscellaneous.</i>
4. Board may carry out works and erect dwellings.	19. Extending purposes for which advances may be made under principal Act.
	20. Vesting orders.
<i>Disposal of Dwellings.</i>	21. Moneys advanced, with interest thereon, to be charged on land.
5. Dwellings may be disposed of by way of sale or lease.	22. Variation and registration of charges.
6. Persons competent to acquire dwellings.	23. Enforcement of charges.
7. Cost of dwelling to purchaser.	24. Repeal and savings.
8. Terms of sale.	25. Securities over Native reserves, &c.
9. Value of improvements effected during currency of agreement to be added to price.	26. Confirmation of mortgages not required.
10. Board may revoke agreement on default by purchaser.	27. Maori Land Boards and Native Trustee not to charge commission.
11. Dwellings not to be disposed of by purchaser without consent of Board.	28. Grants and loans for valuation fees, &c.
12. Issue of certificate of title to purchaser.	29. Exemption from stamp duty.
13. Board may grant leases.	30. Mode of recovery of moneys and possession of dwellings.
14. Restriction on lessee's powers of disposition.	31. Regulations.
15. Determination of leases by Board.	32. Annual statement of accounts.
	33. Validation of acts done in anticipation of this Act.

A BILL INTITULED

Title.	AN ACT to amend the Native Housing Act, 1935. BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—	5
Short Title. 1935, No. 34	1. This Act may be cited as the Native Housing Amendment Act, 1938, and shall be read together with and deemed part of the Native Housing Act, 1935 (hereinafter referred to as the principal Act).	
	<i>Setting apart Land for Dwellings.</i>	10
Crown land may be set apart for purposes of principal Act. See Reprint of Statutes, Vol. IV, pp. 622, 862	2. (1) The Governor-General may from time to time, by Proclamation, set apart for the purposes of the principal Act any land vested in His Majesty the King that is subject to the Land Act, 1924, or the Land for Settlements Act, 1925, and is not held under lease or license.	15
	(2) Any Proclamation issued under this section may be at any time in like manner varied or revoked.	
Board of Native Affairs may acquire land to be set apart under principal Act.	3. (1) For any of the purposes of the principal Act the Board of Native Affairs may from time to time acquire on behalf of the Crown, whether from a Native or from any other person, and whether by way of purchase, gift, lease, license, or otherwise, such lands or interests in land as the Board thinks fit.	20
	(2) All land acquired under this section shall, when so acquired, be deemed to have been set apart for the purposes of the principal Act.	25
Board may carry out works and erect dwellings.	4. (1) The Board may from time to time cause to be undertaken and carried out, in connection with any land that is for the time being set apart for the purposes of the principal Act, such works as it thinks fit, including (but without in any way limiting the Board's powers hereunder) the survey, subdivision, reclamation, draining, roading, bridging, fencing, and clearing of the land, the provision of lighting, heating, sanitation, water-supply, and other conveniences, and any other works calculated to improve the land or to render it suitable or more suitable for the purposes of the principal Act.	30
	(2) The Board may cause dwellings to be erected on any land set apart as aforesaid, and may from time to time alter, enlarge, repair, rebuild, or otherwise improve any dwelling or any other building or erection.	35

Disposal of Dwellings.

5. All dwellings erected or acquired by the Board under this Act may be disposed of by way of sale or lease as hereinafter provided. Dwellings may be disposed of by way of sale or lease.
6. Except with the consent of the Board, no person other than a Native shall be qualified to acquire a dwelling under this Act by way of sale or lease. Persons competent to acquire dwellings.
7. Any dwelling disposed of by way of sale under this Act shall be sold at a price to be fixed by the Board. Cost of dwelling to purchaser.
8. (1) Subject to the provisions of this Act, every dwelling disposed of by way of sale under this Act shall be disposed of pursuant to an agreement containing such terms and conditions as the Board thinks fit. Terms of sale.
- (2) Where the purchase-money is payable by instalments the purchaser shall pay interest on the amount of the purchase-money from time to time outstanding at a rate to be determined by the Board, not exceeding in any case the current rate fixed under section ten of the principal Act in respect of advances under that Act.
- (3) The Board may from time to time, in its discretion, and either unconditionally or upon or subject to such conditions as it thinks fit, extend the time allowed by any agreement under this section for the payment of the whole or any part of the purchase-money, interest, or other moneys payable thereunder.
- (4) For the purpose of securing the payment of any purchase-money, interest, or other moneys payable pursuant to any agreement under this section the Board may require the purchaser to give such orders or assignments as the Board thinks fit over any moneys payable or to become payable to him, whether as the proceeds of the alienation of any land, or as the proceeds of the sale of the produce of any land or stock, or otherwise howsoever.
9. (1) If during the currency of an agreement to purchase any dwelling the Board alters, enlarges, repairs, rebuilds, or otherwise improves the dwelling pursuant to its powers in that behalf, the value of the work so done as fixed by the Board shall be a debt to Value of improvements effected during currency of agreement to be added to price.

the Crown due by the purchaser, and shall be recoverable accordingly, or may be added by the Board to the amount of the purchase-money for the time being owing under the agreement to purchase.

(2) Where any amount is added to the purchase-money as aforesaid the Board may, if it thinks fit,— 5

(a) Increase the amount of the instalments payable under the agreement so as to complete the payment of the purchase-money within the time limited by the agreement in that behalf; 10
or

(b) Accept from the purchaser a surrender of the agreement and enter into a new agreement with the purchaser in respect of the dwelling. 15

Board may
revoke
agreement on
default by
purchaser.

10. (1) If the purchaser of any dwelling pursuant to an agreement under this Act makes default in complying with the terms of his agreement or with any of the provisions of this Act the Board may, in its discretion, revoke the agreement upon giving to the purchaser not less than one month's notice in writing of its intention so to do; and on the revocation of the agreement the purchaser shall give up possession of the dwelling to the Board. 20

(2) Upon the revocation of any agreement as aforesaid, and upon the purchaser yielding up possession of the premises to the Board, the Board shall refund to the purchaser the amount of the purchase-money paid by him, less any amounts due and owing by the purchaser in respect of interest or other charges at the date of revocation, and any amounts properly chargeable to the purchaser in the opinion of the Board in respect of depreciation or in respect of damages as provided in the *next succeeding* subsection, and also less any expenditure incurred or loss suffered by the Board in connection with the revocation of the agreement. 25
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(3) If and so long as any purchaser remains in possession of a dwelling after the cancellation of his agreement to purchase that dwelling he shall in the absence of any agreement to the contrary be deemed to be a trespasser, and shall be liable for damages at a weekly rate to be determined by the Board, which shall be a debt due to the Crown and may be recovered accordingly. 40

11. (1) Except with the prior consent of the Board, no dwelling that is sold by the Board under the foregoing provisions of this Act shall be disposed of by the purchaser by way of sale, lease, mortgage, assignment, or in any other manner whatsoever before a certificate of title has been issued in respect of the dwelling pursuant to the *next succeeding* section. Every contract of sale, lease, mortgage, assignment, or other disposition in contravention of this section shall be absolutely void.
- 15 (2) The Board, in its discretion, may refuse its consent under this section to any proposed disposition, or may grant its consent either unconditionally or upon or subject to such conditions as it thinks fit.
- 15 (3) Nothing in this section shall apply to any disposition by will in favour of the widow, widower, or child of the purchaser or in favour of a Native, or to any disposition by operation of law.
12. (1) On payment of the full amount of the purchase-money and of all interest and other moneys payable to the Board under an agreement to purchase a dwelling under this Act, the purchaser shall be entitled to receive a certificate of title under the Land Transfer Act, 1915, in respect of his dwelling, and the Governor-General may, by Warrant under his hand, authorize the issue of a certificate of title accordingly.
- 20 (2) Every certificate of title issued under this section shall have written thereon a memorial that it is issued under and subject to the provisions of this section.
- 30 (3) All land comprised in any certificate of title issued under this section to a Native or a person descended from a Native shall be deemed to be Native freehold land within the meaning of the Native Land Act, 1931, and so far as his interest in the land is concerned every beneficial owner, if descended from a Native, shall be deemed to be a Native within the meaning of that Act, and all the provisions of that Act shall apply accordingly.
- 35 13. The Board may dispose of any dwelling erected or acquired under this Act by way of lease on a monthly or a weekly tenancy or for any term not exceeding *three* years at any one time. Every lease under this section shall contain such terms, covenants, and conditions, not inconsistent with this Act, as the Board thinks fit.

Dwellings not to be disposed of by purchaser without consent of Board.

Issue of certificate of title to purchaser.

See Reprint of Statutes, Vol. VII, p. 1162

Ibid., Vol. VI, p. 103

Board may grant leases.

Restriction on
lessee's powers
of disposition.

14. (1) Except with the prior consent of the Board, no lease or sublease of any dwelling leased by the Board under this Act shall be capable of being assigned; nor, except with the prior consent of the Board, shall any sublease of any land so leased be capable of being granted. 5

(2) The Board, in its discretion, may refuse its consent under this section to any assignment or sublease, or may grant its consent either unconditionally or upon or subject to such conditions as it thinks fit. 10

(3) Nothing in this section shall apply to any disposition by will in favour of the widow, widower, or child of the lessee or in favour of a Native or to any disposition by operation of law.

Determination
of leases by
Board.

15. (1) If in the opinion of the Board any lessee under a lease granted under this Act is negligent or careless in the care of the dwelling leased to him, or if for any other reason he is considered by the Board to be unsuitable as a lessee, the Board may determine the lease. 15

(2) Any lease granted under this Act may be at any time determined by the Board if the lessee commits any breach of the conditions thereof, and in such other circumstances as may be provided in the lease. 20

(3) A certificate by the Board that any lease has been determined under this section shall be conclusive evidence that the lease has been lawfully determined. Upon any such determination the lessee shall not be entitled to any payment, whether in respect of improvements or otherwise. 25

Board may sell
land not
required for
purposes of
Act.

16. (1) Notwithstanding anything to the contrary in the foregoing provisions of this Act, the Board may sell or otherwise dispose of, to such persons in such manner and on such terms as it thinks fit, any land or buildings acquired or erected for the purposes of the principal Act and not required therefor. 30

(2) On payment of the full amount of the purchase-money and of all interest and other moneys (if any) payable to the Board under an agreement to purchase any land under this section the purchaser shall be entitled to receive a certificate of title under the Land Transfer Act, 1915, in respect of the land, and the Governor-General may, by Warrant under his hand, authorize the issue of a certificate of title accordingly. 35

See Reprint
of Statutes,
Vol. VII,
p. 1162

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17. The provisions of Part XIII of the Land Act, 1924, and of Part XII of the Native Land Act, 1931, shall not apply to any land or to any interest in land disposed of under this Act.

Part XIII of
Land Act, &c.,
not to apply.
See Reprint
of Statutes,
Vol. IV, p. 796;
Vol. VI, p. 189

5 *Special Housing Fund.*

18. (1) There is hereby established a fund to be called the Special Native Housing Fund (hereinafter referred to as the Fund). The Fund shall consist of:—

Special Native
Housing Fund.

10 (a) The sum of fifty thousand pounds appropriated by Parliament as a grant to the Native Trustee for the purpose of housing for indigent Natives:

15 (b) All other moneys that may be appropriated by Parliament for the purposes of the Fund, or that may otherwise be lawfully payable into the Fund:

(c) All accumulations of moneys belonging to the Fund.

20 (2) The purpose for which the Fund has been established is to enable the Board to exercise its powers and functions under the principal Act (including this Act) in respect of Natives who, in the opinion of the Board, are unable to give the security or to make the payments that, if they were able to do so, the Board
25 would require them to give or to make in respect of any advances made to them under the principal Act or in respect of any dwellings disposed of to them under this Act.

30 (3) All moneys belonging to the Fund shall be paid into the Native Trustee's Account to the credit of a separate account therein to be called the Special Native Housing Fund Account (hereinafter referred to as the Fund Account).

35 (4) Moneys shall be paid out of the Fund Account by the Native Trustee to the credit of any Maori Land Board Account on the application of and as required by the Maori Land Board, and shall be separately accounted for in the books of the Maori Land Board. The Maori Land Board shall expend the moneys as
40 from time to time directed by the Board of Native Affairs.

(5) All principal, interest, purchase-money, rent, or other moneys received in respect of advances made or dwellings provided out of moneys belonging to the Fund, or otherwise received in respect of expenditure made from the Fund, shall belong to the Fund. 5

(6) Any local authority or other public body, any corporation sole, any company or other incorporated body, any unincorporated body of persons, any trustee or trustees (including the Native Trustee), or any other person may, unless expressly prohibited by any Act or by any instrument of trust, make to the Board, and the Board may accept, donations or gifts of land or any interest in land, money, or chattels for the purpose of augmenting the Fund. All land given under this section shall be vested in His Majesty the King, and shall thereupon be deemed to have been set apart for the purposes of the principal Act. 10 15

(7) The Board of Native Affairs shall at the end of each financial year ending on the thirty-first day of March prepare in respect of the Fund a statement, in such form as the Minister of Finance from time to time approves or directs, showing the total assets and liabilities as at the end of the financial year, the receipts and payments during the year, and the income and expenditure for the year. A copy of the statement, duly audited by the Audit Office, shall be sent to the Native Minister, by whom it shall forthwith be laid before Parliament if sitting, or if not, then within fourteen days after the commencement of the next ensuing session. 20 25

Miscellaneous.

Extending
purposes for
which advances
may be made
under principal
Act.

19. (1) Section three of the principal Act is hereby amended by adding thereto the following paragraphs:—

“(e) For the purchase of a dwelling or dwellings:

“(f) For the payment of any moneys for the time being payable in respect of any dwelling or of any land that is or is intended to be the site of a dwelling or appurtenant to a dwelling, whether as rates, taxes, rent, moneys secured by any mortgage or charge, insurance premiums, or otherwise.”

(2) No advance shall be made under the said section three for the purchase of a dwelling except upon a valuation approved by the Board. 35 40

20. (1) For the purposes of the principal Act the Court may, on application being made to it by the Native owner of any estate or interest in any Native land, vest the whole or any part of that estate or interest in any other Native in order to provide him with a site for a dwelling.

Vesting orders.

(2) No order shall be made under this section vesting any area exceeding one acre in any one Native.

21. (1) All moneys advanced under the principal Act in respect of any land (including a reasonable charge for supervision where the moneys are expended or applied by the Board or as it directs), with interest at the rate determined in accordance with that Act, shall be a charge upon the land, and shall be repayable at such time or times and in such manner as, subject to any regulations made under the principal Act, the Board may from time to time determine.

Moneys advanced, with interest thereon, to be charged on land.

Cf. 1936, No. 53, s. 18

(2) Where any land is subject to a charge under this section, the Court may make an order evidencing the charge. The Court may make separate orders in respect of different pieces of land or in respect of different parts of or interests in any piece of land, and for that purpose may apportion in such manner and in such proportions as it thinks just and equitable any moneys secured or proposed to be secured by the charge. A certificate given by the Board, or by a Maori Land Board, or by the Native Trustee shall for all purposes be accepted as sufficient evidence of the amount advanced or proposed to be advanced in respect of any land or of any interest in land and of the amount or rate of the charge for supervision (if any).

(3) Where any land or interest in land owned by any Native is subject to a charge under this section, the Court may make an order charging any other land or interest in land owned by that Native with the whole or any part of the moneys secured or proposed to be secured by the first-mentioned charge.

22. (1) Subject to any regulations made under the principal Act, the Court may at any time, on the application of the Board, but not otherwise, vary or revoke any order made under the *last preceding* section, and the Board may from time to time vary or wholly or

Variation and registration of charges. *Ibid.*, s. 18

partly discharge any charge under that section in respect of which no such order has been made, whether or not in either case the moneys secured by the charge have been repaid.

(2) Any order made under section *twenty-one* of this Act may be registered under the Land Transfer Act, 1915, or the Deeds Registration Act, 1908. 5

See Reprint
of Statutes,
Vol. VII,
pp. 1162, 1143

(3) A certificate given by the Board, or by a Maori Land Board, or by the Native Trustee that the amount secured by any charge under section *twenty-one* of this Act has been paid or otherwise satisfied in whole or in part shall be accepted as sufficient evidence of the satisfaction or discharge, and may be registered in the same way as an order made under the said section. 10

Enforcement
of charges.
Cf. 1936,
No. 53, s. 21

23. (1) Any charge registered under the *last preceding* section in respect of any land or interest in land may from time to time be enforced in the same manner as a memorandum of charge registered under section one hundred and nine of the Native Land Act, 1931. 15

See Reprint
of Statutes,
Vol. VI, p. 145

(2) In addition, any charge under section *twenty-one* of this Act, whether registered or not, may from time to time, on the application of the Board, be enforced by the Court either— 20

(a) By the appointment of a receiver in respect of the land or interest in land; or 25

(b) By the making of an order vesting in His Majesty the King either the whole of the land or interest in land or such part thereof or interest therein as will, in the opinion of the Court, be sufficient to satisfy the charge. 30

(3) Upon the making of an order under paragraph (b) of the *last preceding* subsection, the land or interest in land affected by the order shall be deemed to be vested in His Majesty, subject, however, to any estate or interest having priority to the charge, and the charge shall be deemed to be extinguished. 35

(4) Subject to the *next succeeding* subsection, all land that becomes vested in His Majesty under this section shall be deemed to have been set apart for the purposes of the principal Act. 40

- (5) Without limiting the powers conferred on the Board by this or any other Act, the whole or any part of any land that becomes vested in His Majesty under this section may be proclaimed Crown land under
- 5** section four hundred and fifty-four of the Native Land Act, 1931, in the same manner as if it were land purchased by the Crown, and shall thereupon be subject to the Land Act, 1924, and be administered and dealt with accordingly. In every such case a
- 10** sum equivalent to the value of the land as determined by the Dominion Land Purchase Board shall be transferred from the Land for Settlements Account to such other account as the Minister of Finance shall determine.
- 15** **24.** (1) The *last three preceding* sections are in substitution for section eight of the principal Act, and that section is hereby accordingly repealed.
- (2) All charges, orders, certificates, registrations, appointments, Proclamations, and generally all acts of
- 20** authority that originated under the said section eight and are subsisting or in force on the passing of this Act shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall,
- 25** where necessary, be deemed to have so originated.
- (3) All matters and proceedings commenced under the said section eight and pending or in progress on the passing of this Act may be continued, completed, and enforced under this Act.
- 30** **25.** A charge may be constituted or a mortgage may be executed over any land or interest in land pursuant to the principal Act notwithstanding that the land may be a Native reserve within the meaning of the Native Land Act, 1931, or a Native reservation within the
- 35** meaning of that Act, or may be otherwise reserved for Natives or declared to be inalienable by any Act, Warrant, will, instrument, or other act of authority.
- 40** **26.** No mortgage of Native Land or of any interest therein executed in favour of His Majesty the King pursuant to the principal Act shall require confirmation under Part XIII of the Native Land Act, 1931.

See Reprint
of Statutes,
Vol. VI, p. 279

Ibid., Vol. IV,
p. 622

Repeal and
savings.

Securities over
Native
reserves, &c.

Ibid.,
Vol. VI, p. 103

Confirmation
of mortgages
not required.

Ibid., p. 195

Maori Land Boards and Native Trustee not to charge commission. See Reprint of Statutes, Vol. VI, p. 138

Grants and loans for valuation fees, &c.

Exemption from stamp duty.

Mode of recovery of moneys and possession of dwellings.

Regulations.

27. Notwithstanding anything to the contrary in section ninety-seven of the Native Land Act, 1931, or in any other Act, no commission shall be chargeable by any Maori Land Board or by the Native Trustee on any moneys received for the purposes of the principal Act (including this Act). 5

28. The Board may from time to time make grants or loans to Natives to enable them to meet the expenses (including valuation fees) of and incidental to applications to the Board or to any other body or person for advances, whether under the principal Act or otherwise. 10

29. No stamp duty shall be payable on any agreement of sale and purchase, mortgage, assignment, order, lease, statutory declaration, or other instrument or document executed or made for the purposes of the principal Act or of this Act or of any regulations thereunder. 15

30. Any proceedings under the principal Act (including this Act) for the recovery of any moneys or for the recovery of possession of any dwelling or land may, if the Board of Native Affairs so directs, be taken on behalf of the Crown by any Maori Land Board, by suit in its corporate name, or by any other person authorized in writing in that behalf by the Board of Native Affairs, by suit in his own name. 20 25

31. (1) Without limiting the power conferred on the Governor-General by section fourteen of the principal Act to make regulations prescribing any matters that may be deemed necessary for the purpose of giving effect to that Act, regulations may be made under that section for all or any of the following purposes:— 30

- (a) Prescribing the terms and conditions of agreements of sale and purchase under this Act, including conditions for the revocation thereof: 35
- (b) Prescribing the terms and conditions upon or subject to which dwellings may be leased under this Act:
- (c) Providing for the direction, supervision, and control of the erection or alteration of dwellings and other buildings: 40

- (d) Prescribing matters in respect of which fees are to be payable under the principal Act (including this Act), or under regulations made thereunder, the amount of the fees, and the persons liable to pay them:
- 5 (e) Authorizing the refund or remission, in such circumstances as may be prescribed, of any fees payable under the principal Act (including this Act) or under regulations made under that Act.
- 10 (2) No regulation made under the principal Act shall be deemed invalid on the ground that it delegates to or confers on the Governor-General or any other person or body any discretionary authority.
- 15 **32.** In addition to the matters specified in section fifteen of the principal Act, the statement to be prepared under that section for any year shall include particulars of:—
- 20 (a) The moneys expended during the year in acquiring land under this Act, and in improving it and preparing it for dwellings and in erecting or improving dwellings:
- (b) The number of dwellings erected or acquired and the number disposed of during the year:
- 25 (c) The payments received during the year in respect of dwellings disposed of under this Act, and the amount of arrears outstanding at the end of the year.
- 30 **33.** All acts of any nature done before the passing of this Act that by virtue of this Act would have been valid and lawful if they had been done after the passing of this Act shall be deemed to have been validly and lawfully done, and, in so far as they are subsisting at the passing of this Act, shall enure for the purposes of this Act as
- 35 fully and effectually as if they had originated under the appropriate provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated.

Annual
statement of
accounts.

Validation of
acts done in
anticipation
of this Act.