

# Supplementary Order Paper.

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## LEGISLATIVE COUNCIL.

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Tuesday, the 29th Day of September, 1936.

### MORTGAGORS AND LESSEES REHABILITATION BILL.

Hon. Mr. FAGAN, in Committee, to move the following amendments:—

Clause 23, subclause (1): To add the words “ Any person may be appointed and may hold office as a Judge under this section, notwithstanding that he may have attained the age of retirement prescribed for Judges of the Supreme Court by section thirteen of the Judicature Act, 1908 ”.

See Reprint  
of Statutes,  
Vol. II, p. 64

Clause 47, subclause (1): To insert, before the words “ be entitled ” in line 9, the words “ if the Adjustment Commission so orders ”.

Clause 53: To omit this clause, and substitute the following new clause:—

**53A.** No concession, benefit, or discharge from liability granted to any mortgagor, lessee, or guarantor under this Act shall operate to relieve any other person from any liability under the mortgage, lease, or guaranty. Relief of mortgagor, lessee, or guarantor not to relieve any other person.

Clause 54, subclause (2): To add the following proviso:—

Provided that where the Court is satisfied that the failure to serve a notice under this subsection on any guarantor on or before the *thirty-first* day of *December*, nineteen hundred and *thirty-six*, was unavoidable, or was otherwise for any special reason excusable, it may extend the time for serving the notice to any date not later than the *thirty-first* day of *January*, nineteen hundred and *thirty-seven*. An application for any such extension may be made at any time (whether before or after the service of the notice) not later than the said *thirty-first* day of *January*, nineteen hundred and *thirty-seven*. Where the Court makes an order granting any such extension, a copy of the order, under the seal of the Court, shall be served on the guarantor, and he may, notwithstanding anything to the contrary in subsection *six* of section *twenty-nine* of this Act, file an application for an adjustment of his liabilities under this Act at any time within one month after the date of such service.

Clause 54, subclause (4): To omit from the proviso the word “ section ” in line 24, and substitute the word “ subsection ”.

Clause 82, subclause (1): To add the following proviso:—

Provided that nothing in this subsection shall apply with respect to any interest that was not owned by the applicant at the time of the reduction or remission as aforesaid, or with respect to any sale or other disposition that is made under a power conferred by any mortgage or other security, or under a power conferred by any Act for the purpose of enforcing any charge, or with respect to any interest that at any time since the reduction or remission has been sold or otherwise disposed of under any such power.