

Serial Number 1942/77



THE ALIENS LAND PURCHASE REGULATIONS 1942

C. L. N. NEWALL, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 25th day of
March, 1942.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Emergency Regulations Act, 1939, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS.

1. (1) These regulations may be cited as the Aliens Land Purchase Regulations 1942.

(2) These regulations shall come into force on the day following the date of notification in the *Gazette* of the making thereof.*

2. (1) In these regulations, unless the context otherwise requires,—
“Alien” means a person who is an alien within the meaning and for the purposes of the Aliens Emergency Regulations 1940†, or any regulations made in substitution therefor, and includes any person under the age of sixteen years who if he were of that age or over that age would be an alien within the meaning of those regulations :

“Minister” means the Minister of Justice.

(2) For the purposes of these regulations the term “alien” also includes any company in which there are not more than twenty-five members and in which at least one-third in value of the shares is held by or on behalf of aliens. Shares shall be deemed to be held by or on behalf of an alien if they are held by a company in which at least one-third in value of the shares is held by or on behalf of an alien.

(3) Any provision of these regulations which prohibits, without consent, any transaction to which an alien is a party shall extend to prohibit to the same extent any transaction to which a person acting for or on behalf of an alien, whether as trustee or as agent, is a party.

* See end note.

† Statutory Regulations 1940, Serial number 1940/273, page 944.

3. (1) No person shall enter into any contract or agreement—
- (a) For the sale of any land to an alien or providing for the acquisition in any contingency by an alien of any land ; or
 - (b) For the lease of any land to an alien for a term of not less than three years ; or
 - (c) For the assignment to an alien of any leasehold estate or interest in any land, whether legal or equitable, of which a period of not less than three years is unexpired,—

unless the consent in writing of the Minister has first been obtained.

(2) No person shall—

- (a) Make a gift to an alien otherwise than by will, of any land or of any leasehold estate or interest in any land, whether legal or equitable, of which a period of not less than three years is unexpired ; or
- (b) Grant to an alien an option for the purchase of any land or any such leasehold estate or interest as aforesaid,

unless the consent in writing of the Minister has first been obtained.

(3) No alien shall take, and no person shall give to an alien, a mortgage or other encumbrance of or over any land or any leasehold estate or interest in land, whether legal or equitable, of which a period of not less than three years is unexpired, unless the consent in writing of the Minister has first been obtained.

(4) Where any lease or any contract or agreement for a lease contains a provision enabling the lease or contract or agreement for a lease to be renewed for any period upon the expiration of the original term thereof, the period for which the lease or contract or agreement may be so renewed shall, for the purposes of these regulations, be deemed to be part of the original term thereof.

(5) Nothing in these regulations shall prevent—

- (a) The giving or taking of a mortgage of any land or of any estate or interest in land where that land, estate, or interest has been sold by an alien and the mortgage is to secure the balance of the purchase-money ; or
- (b) The reconveyance of any land or of any estate or interest in land to an alien upon the discharge of a mortgage thereon.

4. (1) A contract, agreement, or other transaction entered into, and an instrument executed, in contravention of these regulations shall not thereby be invalidated.

(2) Nothing in this regulation shall affect the liability of any person to any penalty in respect of any contravention of these regulations.

5. Where a contract, agreement, or transaction has been entered into, or an instrument has been executed, subject to the consent of the Minister thereto being obtained, the contract, agreement, or transaction shall not be deemed to have been entered into, or the instrument executed, in contravention of these regulations if an application for the consent of the Minister is made within one month after the date of the contract, agreement, transaction, or instrument, but the contract, agreement, transaction, or instrument shall not have any effect unless the Minister gives his consent thereto.

6. (1) An application for the consent of the Minister under these regulations shall be made in writing by or on behalf of the alien concerned and shall give full particulars of the name, address, date, and

place of birth, parentage, and occupation of the alien, or, in the case of a company, the name, address of registered office, and place of incorporation of the company, and shall in every case set out the area, situation, and valuation of the land, full particulars of the proposed contract, agreement, gift, option, mortgage, or encumbrance, and of the area, situation, and valuation of other lands held by or on behalf of the alien, and such other information as the Minister requires, and also the grounds upon which application for the consent of the Minister is based. In the case of an application for consent to a transaction to which a company which is an alien for the purposes of these regulations is a party, the application shall also, unless the Minister otherwise directs, give full particulars of the names, addresses, nationality, and shareholding of the respective shareholders of the company.

(2) Every application for the consent of the Minister under these regulations shall, unless the Minister otherwise directs, be accompanied by a statutory declaration verifying the statements contained in the application and made by the alien or some other person with a knowledge of the facts.

(3) The Minister may refer any such application to any person for inquiry and report.

(4) The Minister, after making such inquiry as he thinks fit and taking into account any report, may in his absolute discretion grant or refuse consent to any application.

7. (1) The Minister may call upon any person to whom consent has been granted under these regulations to show cause why that consent should not be revoked on the ground—

(a) That a false or misleading statement has been made in connection with the application for consent ; or

(b) That all the material facts in connection with the transaction, or the execution of the instrument, to which consent was given were not submitted to the Minister.

(2) Where the Minister calls upon any person to show cause under the last preceding clause, that person shall forthwith forward the form of consent to the Minister and shall not enter into the transaction, or execute the instrument, to which the consent relates until the Minister has determined whether or not the consent shall be revoked.

(3) Unless cause is shown to the Minister why the consent should not be revoked the Minister may revoke the consent, which shall thereupon, for the purposes of these regulations, be deemed not to have been obtained.

8. Where, before the commencement of these regulations, any contract or agreement has been entered into which, if it had been entered into after the commencement of these regulations, would have been prohibited without consent, no person shall execute any instrument to give effect to the contract or agreement unless the consent in writing of the Minister has first been obtained.

9. The District Land Registrar or the Registrar of Deeds may, upon the submission to him for registration of any instrument relating to a transaction in connection with any land, require such evidence as he deems necessary that the transaction to which the instrument relates is not in contravention of any provision of these regulations, and that the instrument has not been executed in contravention of these regulations, and may refuse to register the instrument until such evidence is submitted to him.

10. (1) Every person commits an offence against these regulations who—

- (a) Without lawful excuse acts in contravention of, or fails to comply in any respect with, any provision of these regulations :
- (b) With intent to deceive makes any false or misleading statement or any material omission in any communication with or application to the Minister or any other person (whether in writing or otherwise) for the purposes of these regulations.

(2) Every person who commits an offence against these regulations shall be liable on summary conviction,—

- (a) In the case of an individual, to imprisonment for a term not exceeding three months, or to a fine not exceeding £50 or the value of the land, estate, or interest in respect of which the offence has been committed, whichever is the greater, or to both such imprisonment and such fine :
- (b) In the case of a body corporate, to a fine not exceeding £50 or the value of the land, estate, or interest in respect of which the offence has been committed, whichever is the greater.

11. In any proceedings for an offence against these regulations the burden of proving that the consent of the Minister has been given to any transaction shall be on the person charged with the offence.

12. In any proceedings for an offence against these regulations where nationality is in issue, evidence of repute, belief, or hearsay or any other evidence shall be admissible in proof of nationality, whether that evidence would otherwise be legally admissible or not.

13. Section 50 of the Justices of the Peace Act, 1927, shall have no application to a prosecution for an offence against these regulations.

W. O. HARVEY,
Acting Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.
Date of notification in *Gazette* : 26th day of March, 1942.
These regulations are administered in the Department of Justice.