



THE HUNTER GIFT REGULATIONS 1955

C. W. M. NORRIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 20th day of July 1955

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Hunter Gift for the Settlement of Discharged Soldiers Act 1921, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

PART I—PRELIMINARY

1. These regulations may be cited as the Hunter Gift Regulations 1955.
2. In these regulations, unless the context otherwise requires,—
 - “The Act” means the Hunter Gift for the Settlement of Discharged Soldiers Act 1921:
 - “Board” means the Hunter Soldiers Assistance Trust Board established under the Act:
 - “Grant” means a grant made under Part IV of these regulations:
 - “Loan” means a loan made under Part IV of these regulations:
 - “Minister” means the Minister of Lands:
 - “Orphan” means a child under the age of sixteen years, being a child or stepchild of a deceased discharged soldier or of a discharged soldier who is a patient within the meaning of the Mental Health Act 1911.

PART II—ADMINISTRATION

3. (1) The Board shall meet at the office of the Commissioner of Crown Lands, Napier, or at such other place as the Board from time to time determines.
- (2) Special meetings of the Board may be called at any time by the Chairman of the Board.
- (3) Subject to the provisions of the Act and of these regulations, the Board may regulate its own procedure.
4. The Chairman of the Board shall forthwith cause the Minister to be notified of every vacancy in the membership of the Board as it occurs.

5. (1) An officer of the Department of Lands and Survey may, with the Minister's approval, be appointed as Secretary to the Board.

(2) It shall be the duty of the Secretary to take charge of the minute book and all records and papers of the Board, and to do such things as are necessary for the proper carrying out of the functions, powers, and duties of the Board.

6. All transfers, deeds, releases, or other documents, the execution of which is required for the carrying out of the purposes of the Act, shall be executed by the Commissioner of Crown Lands for the Hawke's Bay Land District for and on behalf of the Board.

PART III—ADVANCES AND LOANS

7. Any mortgage or other instrument for securing any advance to a discharged soldier or loan to an orphan made under section 8 of the Act shall be in such form and shall contain such conditions, agreements, covenants, and stipulations as the Board thinks fit.

8. An advance made to a discharged soldier for any of the purposes set out in section 8 of the Act shall not exceed the sum of £250:

Provided that in special cases, when in the opinion of the Board that amount is insufficient, the Board may advance up to but not exceeding £500.

9. The rate of interest to be charged in respect of advances and loans shall be as fixed from time to time by the Minister of Finance.

PART IV—GRANTS OR LOANS TO ORPHAN CHILDREN

10. The Board may in its discretion make such grants or loans for the benefit of orphans as it thinks fit. Before making any grant or loan the Board shall make such enquiries concerning the orphan as it thinks necessary:

Provided that, for the purpose of assisting in the education or advancement of any person who, had he been under the age of sixteen years, would be an orphan within the meaning of these regulations, the Board may in its discretion, as if he had not attained that age, make grants or loans to or for the benefit of that person for such period or periods as it thinks fit expiring not later than the end of the year in which he attains the age of eighteen years.

11. A grant shall not exceed the sum of £25.

12. A loan shall not exceed the sum of £100.

13. Any grant or loan may be paid to the mother, guardian, legal representative, or nearest relative of the orphan or to any other person or body of persons (whether corporate or unincorporate) as the Board thinks fit, to be used solely for the benefit of the orphan, or it may be expended by the Board for the benefit of the orphan.

14. A loan shall be granted for a period not exceeding ten years, and shall be secured by mortgage bearing interest at the rate fixed under regulation 9 hereof. Any such mortgage may be renewed for any further term not exceeding ten years if, in the opinion of the Board, circumstances warrant the renewal.

15. A loan may be secured by way of mortgage on an estate in fee simple or any lease or licence under the Land Act 1948 or any former Land Act owned or held by the mother, guardian, legal representative, or nearest relative of the orphan to whom the loan is granted.

16. A loan shall be granted solely for the use and benefit of the orphan, and a statement to that effect shall be inserted in the mortgage securing the loan.

17. Except in any case where the Board in its discretion considers that because of unusual circumstances the loan or grant should be made, no loan or grant shall be made to or for the benefit of any orphan when the total income of the mother of the orphan and her children exceeds an average rate of £10 per week, computed in the manner prescribed by section 10 of the Social Security Act 1938 for computing income for the purposes of Part II of that Act.

18. Any loan may be secured either by way of flat mortgage or instalment mortgage, as the Board thinks fit.

PART V—GENERAL

19. In the event of any mortgagor being unable at any time by reason of any natural disaster or other sufficient cause to pay the interest due under his mortgage, the Board, on being satisfied that it would be reasonable and equitable to afford relief, may remit the whole or any part of the interest payable in respect of any period or periods not exceeding five years in the aggregate, or may postpone until such date or dates as the Board determines the payment of interest in respect of any period or periods, not exceeding five years in the aggregate.

20. An instrument by way of security (within the meaning of the Chattels Transfer Act 1924) over the following classes of chattels may be accepted as collateral security in respect of any loan granted under the Act, in addition to the mortgage required to be given, namely, sheep, cattle, horses, pigs, poultry, and any other chattels within the meaning of the Chattels Transfer Act 1924, not being chattels that may be the subject of a hire purchase agreement under that Act.

21. The regulations specified in the Schedule to these regulations are hereby revoked.

SCHEDULE

REGULATIONS REVOKED

Title	Gazette Reference
The Hunter Gift Regulations 1928	<i>Gazette</i> , 19 July 1928, page 2230.
Regulations made by Order in Council dated 11 May 1932 amending the Hunter Gift Regulations 1928	<i>Gazette</i> , 19 May 1932, page 1293.
Regulations made by Order in Council dated 3 July 1935 amending the Hunter Gift Regulations 1928	<i>Gazette</i> , 11 July 1935, page 1857.
The Hunter Gift Regulations 1928, Amendment No. 1	<i>Gazette</i> , 13 November 1952, page 1841.

T. J. SHERRARD,
Clerk of the Executive Council.

EXPLANATORY NOTE

[This note is not part of the regulations, but is intended to indicate their general effect.]

These regulations consolidate, with amendments, the existing regulations relating to the administration of the Hunter Gift for the Settlement of Discharged Soldiers. The principal changes are as follows:

- (a) The rate of interest on advances and loans is to be fixed from time to time by the Minister of Finance (Reg. 9), instead of a rate of $5\frac{1}{2}$ per cent specified in the existing regulations.
- (b) Regulation 10 enables the Trust Board to continue assisting orphan children after they have attained the age of sixteen years until the end of the year in which they attain the age of eighteen years.
- (c) Regulation 13 enables grants or loans for the benefit of a child to be paid to any person the Board thinks fit.
- (d) Under the existing regulations no grant may be made to an orphan if the total income of the mother of the orphan and her children exceeds an average of £5 a week. Regulation 17 of these regulations increases the allowable income of a family to £10 a week, and also empowers the Board to make grants in special cases notwithstanding that the family income exceeds £10 a week.

Other miscellaneous amendments are made, but these are of a drafting nature to bring the regulations up to date in accordance with other existing legislation.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 21 July 1955.

These regulations are administered in the Department of Lands and Survey.