

Serial Number **1951/194**

**THE HOUSING IMPROVEMENT REGULATIONS 1947,
AMENDMENT NO. 1**

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington, this 8th day of
November, 1950

Present :

THE RIGHT HON. S. G. HOLLAND PRESIDING IN COUNCIL

PURSUANT to the Housing Improvement Act, 1945, 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 Housing Improvement Regulations 1947, Amendment No. 1, and shall be read together with and deemed part of the Housing Improvement Regulations 1947* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the fourteenth day after the date of their notification in the *Gazette*.

2. The principal regulations are hereby amended by inserting, after regulation 22, the following new Part, comprising the following heading and regulations :—

“ PART V—APPEALS

“ 23. (1) In this Part of these regulations, unless the context otherwise requires,—

“ ‘ Local authority ’ means a local authority to which preliminary notice of appeal has been given :

“ ‘ Notice of appeal ’ means a formal notice of appeal in the form in the Third Schedule hereto and required to be filed by regulation 25 hereof :

“ ‘ Preliminary notice ’, in relation to any appeal, means a notice given to a local authority pursuant to subsection (1) of section 7 of the Act.

“ 24. Every appeal preliminary notice of which has been given to a local authority shall be instituted within fourteen days from the day on which the preliminary notice was given or within such further time as a Magistrate, after hearing the local authority or with its consent, may allow.

“ 25. (1) The appellant shall institute his appeal by filing in the office of the Magistrate’s Court nearest to the public office of the local authority a notice of appeal in the form in the Third Schedule hereto.

* Statutory Regulations 1947, Serial number 1947/200, page 652.

“(2) The appellant shall at the same time lodge with the Registrar of the Court a signed duplicate copy of the notice of appeal, together with a copy of the notice to repair, or, as the case may be, given by the local authority under section 5 of the Act in respect of which the appeal is instituted.

“26. The Registrar shall serve upon the local authority the signed duplicate copy of the notice of appeal.

“27. Notwithstanding anything to the contrary in regulation 24 hereof, every appeal preliminary notice of which has been given before the commencement of these regulations shall be instituted within one month from the commencement of these regulations and in accordance with regulation 25 hereof:

“Provided that the foregoing provisions of this regulation shall not apply to or be deemed to vitiate any appeal that has been brought into the Magistrates’ Court before the commencement of these regulations in some other effective manner and due notice of the bringing into Court of which has been given to the local authority.

“28. (1) Where the person who has given preliminary notice of appeal has failed to institute or to bring his appeal into the Magistrates’ Court in accordance with such of the foregoing provisions of these regulations as are applicable in his case, the local authority may do so by filing in the appropriate Magistrate’s Court a copy of the preliminary notice of appeal.

“(2) Thereupon the preliminary notice of appeal shall be deemed to be the notice of appeal, and the appeal shall be deemed to have been duly instituted by the person who gave the preliminary notice.

“(3) The Registrar shall then fix the time for the hearing, and shall serve notice on the person who gave the preliminary notice that the appeal has been instituted and of the time and place fixed for the hearing.

“29. Subject to these regulations and so far as they do not extend, the procedure for the institution, hearing, and determination of appeals under the Act shall be in accordance with the ordinary procedure of the Court, and in particular with the Magistrates’ Courts Act, 1947, and the Magistrates’ Courts Rules 1948* ; and every notice of appeal filed in the office of a Magistrate’s Court shall for this purpose be deemed to be an originating application within the meaning of Rule 75 of those rules.”

3. The principal regulations are hereby amended by adding the following Schedule as the Third Schedule thereto :—

“THIRD SCHEDULE

NOTICE OF APPEAL

In the Magistrate’s Court at	O.A. No.
In the matter of the Housing Improvement Act, 1945, and In the matter of an appeal	
Between, of, [Occupation], Appellant.	
And [Name of local authority], Respondent.	

* Statutory Regulations 1948, Serial number 1948/197, page 655.

NOTICE OF APPEAL

TAKE notice that the above named appellant will appeal to a Magistrate sitting in the above named Magistrate's Court onday, the day of, 19.., at o'clock in thenoon, against the requirements of a notice dated the day of, 19.., served by the above named respondent upon *[him] [....., of [*Name and place of residence of owner*]], as the owner of the house situated at, upon the following grounds: [*Here, if the appellant is not the owner, state what is his estate or interest in the land on which the house stands. In every case state the grounds on which the appeal is brought.*]

Dated at, this day of, 19..

....., Appellant.

To the Registrar of the above named Magistrate's Court, and

To the above named respondent.

This notice of appeal is filed by *[the appellant in person] [....., solicitor or authorized agent for appellant], whose address for service is at

* Delete the words printed within brackets that do not apply."

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 lay down the procedure to be followed for the institution of appeals against notices given by local authorities requiring owners of houses to carry out repairs, alterations, or works, or partly to demolish or to pull down houses.

In so far as these regulations do not extend, the ordinary procedure of the Court is to be followed.

One month from the date of coming into force of the regulations is allowed for proceeding with appeals of which notice was given to local authorities before that date.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 9th day of November, 1950.

These regulations are administered in the Public Works Department.