

Serial Number **1953/7**



**THE JOINT FAMILY HOMES REGULATIONS 1951,
AMENDMENT NO. 1**

C. W. M. NORRIE, Governor-General
ORDER IN COUNCIL

At the Government House at Wellington, this 11th day of February 1953

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Joint Family Homes Act 1950, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. These regulations may be cited as the Joint Family Homes Regulations 1951, Amendment No. 1, and shall be read together with and deemed part of the Joint Family Homes Regulations 1951* (hereinafter referred to as the principal regulations).

2. Regulation 3 of the principal regulations is hereby amended by adding the following paragraph:—

“(d) Such additional evidence (if any), either by statutory declaration or in any other form acceptable to the Registrar, as the Registrar may require regarding any other matters specified by the Registrar and necessary to satisfy him that the applicant is entitled to have the land registered as a joint family home.”

3. Regulation 4 of the principal regulations is hereby amended—

(a) By omitting from subclause (1) the words “The District Land Registrar for each land registration district”, and substituting the words “Every Registrar”:

(b) By omitting from subclause (2) the words “District Land Registrar or Registrar of Deeds”, and substituting the word “Registrar”.

4. Regulation 6 of the principal regulations is hereby amended by inserting, after the word “Act”, the words “if the applicant or applicants so request in writing and pay the prescribed advertising fee”.

* Statutory Regulations 1951, Serial number 1951/23, page 77.

5. The principal regulations are hereby amended by inserting, after regulation 13, the following regulation:—

“13A. No application for cancellation of the registration of a Joint Family Home Certificate under paragraph (a) of subsection (1) of section 8 of the Act shall be received by the Registrar unless the application has been duly stamped under the Stamp Duties Act 1923.”

6. The First Schedule to the principal regulations is hereby amended by revoking Forms 1 and 2, and substituting the forms set out in the Schedule to these regulations.

SCHEDULE

FORMS TO BE SUBSTITUTED FOR FORMS 1 AND 2 IN THE FIRST SCHEDULE TO THE PRINCIPAL REGULATIONS

“Form 1]

“APPLICATION TO REGISTER LAND AS A JOINT FAMILY HOME

“To The District Land Registrar, District; or

The Registrar of Deeds, District; or

The Mining Registrar, District.

“1. I (or We),, of [Address and occupation], being the registered proprietor(s) of [Full official description of land, including the area and title or index book reference; also the street or general locality in which the land is situated], hereby apply to register the said land as a joint family home under the provisions of the Joint Family Homes Act 1950.

“2. The full name, address, and occupation of my wife (or husband) is [To be completed if the title is in the name of one person only].

“My (or Our) address for service is

“Dated this day of 19.....

“Applicant(s):.....

“Witness to signature(s) of applicant(s)—

.....
“Justice of the Peace, Solicitor, Postmaster,
Clergyman, or other person who may
witness Land Transfer documents.

“CONSENT OF OTHER SPOUSE

“I,, the wife (or husband) of the applicant do hereby consent to this application.

“Witness to the signature of the said—

.....
“Justice of the Peace, Solicitor, Postmaster,
Clergyman, or other person who may
witness Land Transfer documents.

“*(This consent is necessary, in cases where the husband and wife are not both parties to the application, if the land is mortgaged, or is a leasehold interest, or has been purchased from the Crown and is held under an agreement for sale or a licence to occupy. It is not required in other cases.)*

“Form 2]

“DECLARATION TO ACCOMPANY APPLICATION

“I (or We), of [Address and occupation], do hereby solemnly and sincerely declare:—

“1. That I am (or we are) applying under the Joint Family Homes Act 1950 to register as a joint family home the following land, namely: [Describe land or refer to preceding application].

“2. That my wife (or husband) and I (or we) at present reside and have our home in a dwellinghouse erected on the said land.

"3. That the said dwellinghouse and land are used exclusively as a home for my wife (or husband) and me (or for us) and the following members of our household, namely [State names and relationship] (except to this extent, namely:) (If the dwellinghouse and land are used exclusively for the above purposes, delete the words 'except to this extent, namely'; if they are not used exclusively for the above purposes but it is submitted that they are used principally for these purposes, add, after the words 'except to this extent, namely', the other uses to which they are being put).

"4. That at the date of the accompanying application the said dwellinghouse is not being erected or repaired.

"5. That I am (or we are) the registered proprietor(s) of the said land, and that I am (or we are) able at the date hereof to pay all my (or our) debts other than debts charged on the said land without the aid of the said land.

"6. That the capital value of the said land within the meaning of the Valuation of Land Act 1951 does not exceed £5,000, and annexed hereto and marked with the letter 'A' is a certificate from the Valuer-General as to the said capital value of the said land as at the day of 19..... according to a valuation made specially by him as at that date (or a certificate from the Valuer-General as to the said capital value of the said land as at the day of 19..... according to the district valuation roll current at the date of the certificate). (Where the Valuer-General's certificate relates to the capital value according to the district valuation roll the declaration shall specify the improvements effected on the land after the date as at which the roll was prepared and the value of those improvements.)

"7. That I am not, and my wife (or husband) is not, the owner, or a joint owner, of any other joint family home registered as such under the provisions of the Joint Family Homes Act 1950 (or neither of us is the owner, &c.).

"8. That the place (or several places) where I (or we) have during the twelve months preceding the date hereof resided, or carried on business, are as follows [Specify place or places and period].

"9. That I (or we) have no creditors who reside in any other place. (Clauses 8 and 9 may be omitted in cases where advertising is not required and the prescribed advertising fee is not being paid.)

"And I (or we) make this solemn declaration conscientiously believing the same to be true and by virtue of the Justices of the Peace Act 1927.

"Declared at, this day of 19....., before me—

.....
"Justice of the Peace; or Solicitor.

"Signature(s):"

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 are mainly consequential on amendments made to the Joint Family Homes Act 1950 since it was originally passed.

Regulation 2 enables the Registrar to require additional evidence (either by statutory declaration or in any other form acceptable to him) regarding any matters necessary to satisfy him that the land may be registered as a joint family home.

Regulation 3 extends regulation 4 of the principal regulations so as to make it apply to Mining Registrars.

Regulation 4 amends regulation 6 of the principal regulations so as to recognize that advertising by an applicant under the principal Act is now optional.

Regulation 5 requires applications to cancel the registration of a Joint Family Home Certificate to be stamped under the Stamp Duties Act 1923 before presentation to the Registrar in cases where the application is made by the husband and wife or the survivor of them.

Regulation 6 and the Schedule substitute fresh forms of applications to register land as a joint family home and declarations to accompany these applications.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 12 February 1953.

These regulations are administered in the Department of Justice.