

1960/96



THE MAORI HOUSING REGULATIONS 1960

COBHAM, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 29th day of June 1960

Present:

THE RIGHT HON. W. NASH, C.H., PRESIDING IN COUNCIL

PURSUANT to the Maori Housing Act 1935, 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 Maori Housing Regulations 1960 and shall come into force on the day after the date of their notification in the *Gazette*.

2. In these regulations unless the context otherwise requires,—

“The Act” means the Maori Housing Act 1935:

“Applicant” means any person who applies for or who has been granted a loan under the Act:

“Board” means the Board of Maori Affairs constituted under the Maori Affairs Act 1953:

“District Officer” means the officer in charge of the District Office of the Department of Maori Affairs for the district in which the dwelling is erected or proposed to be erected.

3. (1) Every applicant for an advance under the Act shall make his application in writing on the form of application prescribed by the Board, giving true and complete answers to the questions on the form, and shall forward or deliver his application to the District Officer.

(2) Any applicant who wilfully makes any false or misleading statement in any such application or who wilfully fails to disclose in his application any material source of income or any material assets and liabilities, where any such disclosure is required in the application, commits an offence against these regulations and shall be liable to a fine not exceeding £5.

4. (1) The costs of all instruments of security and other documents required in respect of any advance shall be in accordance with the scale of charges approved by the Council of the New Zealand Law Society reduced by one third:

Provided that in any case where the documents are prepared by a solicitor employed in the Department of Maori Affairs the Board may in its discretion reduce or remit the amount payable under this regulation if it considers it reasonable so to do.

(2) The amount of such costs and of all necessary disbursements shall be paid in cash by the applicant before the loan moneys are disbursed unless the Board directs that they shall be deducted from the advance, in which case they shall, until paid, be charged upon the whole of the property comprised in the securities.

5. Every memorial of charge executed by the Board under the provisions of section 21 of the Maori Housing Amendment Act 1938 shall be in form 1 in the Schedule hereto, and every consent in writing required by subsection (3) of that section shall be in form 2 in the Schedule hereto.

6. The Maori Housing Regulations 1936* and the Maori Housing Regulations 1936, Amendment No. 1, are hereby revoked.

*S.R. 1937/109
Amendment No. 1: S.R. 1954/150

SCHEDULE

Form 1

Reg. 5

MEMORIAL OF CHARGE

PURSUANT to section 21 of the Maori Housing Amendment Act 1938, the Board of Maori Affairs doth hereby execute a memorial of charge over the land or interest in land described in the Schedule hereto as evidence—

*(a) That the land is subject to a statutory charge under subsection (1) of the said section; or

*(b) That the Board has, after receiving the required consents, created a collateral charge under subsection (3) of the said section.

The principal sum secured by the said memorial of charge shall be the sum of £..... and shall be deemed to have been advanced on the day of 19....

The rate of interest on the said principal sum shall be at the rate of per centum per annum.

The principal sum and interest thereon shall be payable by monthly/half-yearly sums of £..... at the District Office of the Department of Maori Affairs at commencing on the day of 19....

The balance of the principal sum and any interest outstanding shall be payable on the.....day of.....19....

Dated at this day of 19....

Signed, etc.

*Delete as required.

SCHEDULE

(Full legal description of land or interest charged)

SCHEDULE—*continued*

Form 2

Reg. 5

CONSENT TO THE CREATION OF A COLLATERAL CHARGE

I, [Name] of [Address], [Occupation], do hereby consent to a collateral charge being created by the Board of Maori Affairs under section 21 (3) of the Maori Housing Amendment Act 1938 over the land interests described in the Schedule hereto, such charge to be held by the Board as collateral security for the repayment of a loan of £..... together with interest thereon at the rate of per centum per annum granted under the Maori Housing Act 1935 to of, such loan being repayable by monthly/half-yearly instalments of £..... spread over a term of years from the date of the advance.

Dated at this day of 19.....

Signed by the said A.B. in my presence and I }
 hereby certify that he had a knowledge of the }
 English language sufficient to be able to under- }
 stand and did understand the effect of the fore- }
 going before signing the same: }

Witness:

Occupation:

Address:

SCHEDULE

(Full legal description of land or interest to be charged)

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 provide for the procedure to be followed in connection with certain matters relating to the granting of loans under the Maori Housing Act 1935.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 30 June 1960.

These regulations are administered in the Department of Maori Affairs.