

of the lease (which term shall be deemed to include any lease issued in lieu thereof whether by way of renewal or otherwise), and such instalments shall include the balance of principal then owing under the mortgage.

(iii.) No surrender of any lease on the security of which money has been advanced shall, so long as any portion of the moneys advanced remains unpaid, be accepted, nor shall any such lease be declared forfeited by a Land Board without the consent of the Minister.

(iv.) For the purposes of section 74 of the Land Act, 1908, any moneys owing by a lessee on account of an advance made pursuant to these regulations, together with interest due thereon, if any, shall be deemed to be moneys due in respect of the land, and such moneys shall constitute a first charge on moneys received by the Receiver of Land Revenue pursuant to that section.

(v.) The terms "lease" and "lessee" include license and licensee.

25. Advances for the purpose of the erection of a dwelling-house on other than rural land may, on the recommendation of the Land Board, be made by the Minister of Lands subject to the following provisions:—

(a.) The amount of the advance shall in no case exceed the sum of £900:

Provided that where a discharged soldier is the registered owner in fee-simple of such land, and the Minister is satisfied that such person has obtained such land directly as a beneficiary under a deed of gift without any consideration in money or money's worth, the Minister may, in if his opinion special circumstances render such an amount inadequate, authorize an additional advance not exceeding £250.

(b.) Unless otherwise determined by the Minister as hereinafter provided, all moneys advanced, together with interest thereon at the rate of 5 per centum per annum, shall be secured by mortgage over the land in the form No. 10 in the First Schedule hereto or to the like effect, and shall be repayable by half-yearly or monthly instalments over a period of twenty-five years and a half. Every instalment shall consist partly of interest and partly of principal, and shall be calculated at the rate of 7 per centum per annum on the amount of the advance, and shall be applied towards payment of interest and principal in the proportions set out respecting the appropriate payment in the Second Schedule hereto. Form No. 10 in the First Schedule hereto shall be altered where necessary to provide for payment by monthly instalments. Any discharged soldier who has obtained an advance and has contracted to pay instalments of interest and principal half-yearly may, with the consent of the Land Board, be permitted to pay such instalments monthly, whereupon the amount payable monthly shall be one-sixth of the amount which he has contracted to pay half-yearly.

The provisions of clauses 45 and 46 of these regulations shall apply to the payment of advances made hereunder in cases where the mortgage provides for monthly payments of principal and interest.

(c.) The amount of any loan may, in the discretion of the Minister, be advanced by progress-payments to an amount not exceeding the value of the work from time to time completed.

(d.) Every application for an advance shall be made, in the form No. 11 in the First Schedule hereto or to the like effect, to the Land Board for the district within which the land affected is situated, and shall be accompanied by the valuation fee calculated in accordance with the scale prescribed by paragraph (b) of the last preceding clause of these regulations. The Land Board shall, before making its recommendation, require the applicant to appear personally before it, or before such person or persons as it may appoint.

(e.) In such cases as the Minister may determine, advances may be made on flat mortgage for any period not exceeding ten years. All moneys so advanced shall bear interest at the rate of 5 per centum per annum, and shall be secured by way of mortgage over the land in the form No. 6 in the First Schedule hereto, with the necessary modifications.

(f.) In any case where the Board is of opinion that the estimated probable life of a dwelling, by reason of its being constructed of brick or concrete, is sufficient to justify the repayment of the moneys advanced therefor over a longer period than provided in paragraph (b) hereof, the Minister may,

on a special recommendation made by the Board in that behalf, authorize the repayment over a period of thirty-six years and a half of the moneys so advanced. In such a case, every half-yearly instalment shall consist partly of principal and partly of interest, and shall be calculated and apportioned according to the table in the Sixth Schedule hereto.

26. In cases where the security offered for advances is not sufficient to warrant loans being granted for a term of thirty-six years and a half or twenty-five years and a half as provided for respectively in clauses 24 (g) and 25 (b) hereof, and notwithstanding anything to the contrary contained in the said clauses 24 (g) and 25 (b), advances may be made in such special cases as the Minister may approve, repayable by half-yearly instalments over a period of ten or fifteen or twenty years as may be deemed suitable in the circumstances. Every half-yearly instalment shall consist partly of interest and partly of principal, and shall be calculated and apportioned respectively for the said periods of ten or fifteen or twenty years according to the tables of the Third, Fourth, and Fifth Schedules hereto.

27. All the powers conferred upon His Majesty the King as mortgagee by any mortgage to secure repayment of moneys advanced under these regulations, or pursuant to any law as such mortgagee, may be exercised in his own name by the Commissioner of Crown Lands for the land district within which the land affected by such mortgage is situated, and all actions and proceedings for the recovery of moneys advanced or interest thereon may be taken by the said Commissioner in his own name.

28. In every mortgage hereafter given as security for advances made for the purchase or erection of a dwelling under Part II of these regulations the following provisions shall apply:—

The mortgagor of such dwelling shall reside continuously therein so long as any portion of the moneys secured by the mortgage remain unpaid. Non-residence, or the subletting of such dwelling, by the mortgagor without the written consent of the Board being first had and obtained shall be deemed to be a breach of covenant, whereupon the mortgagee may call up and compel payment of all principal, interest, and other moneys for the time being owing under the security, notwithstanding that the time or times appointed for the payment thereof respectively may not have arrived.

29. Upon the transfer, otherwise than pursuant to the will or on the intestacy of the mortgagor, of any property upon the security of which an advance has been made pursuant to these regulations, the balance of the principal unpaid in respect of such advance shall be immediately due and payable: Provided that this regulation shall not apply in the case of a transfer to a discharged soldier as defined by the Discharged Soldiers Settlement Act, 1915, or the amendments thereof, where such transfer has been duly consented to by the Land Board and approved by the Minister.

30. No registration fee shall be payable in respect of any memorandum of mortgage or any bill of sale given as security for any advance made under the authority of these regulations.

31. Where two or more discharged soldiers hold or propose to acquire any land, whether freehold or leasehold, as tenants in common in equal shares, advances may be made to them only to the aggregate amount that one of them would have been entitled to obtain individually:

Provided that in any case where two or more discharged soldiers have acquired such land as tenants in common prior to the 19th day of September, 1921, advances may be made to them jointly to the aggregate amount that they would have been entitled to obtain individually.

32. In any case where advances have been made to two or more persons holding land as tenants in common, and the interest or interests of one or more of such persons in such land have been transferred or allotted to the other or others remaining in possession of such land, the Board, with the approval of the Minister, may apportion the liability of the outgoing partner or partners under any mortgage or bill of sale given as security to the Crown, and may transfer such liability to such other or others as may remain in possession of such land, notwithstanding that the aggregate amount then advanced to the person or persons remaining in possession may be in excess of the maximum amount that may be advanced to such person or persons under any other part of these regulations.

33. In any case where, by reason of dissolution of partnership or other cause, land held by two or more persons as tenants in common is subdivided, and each subdivision of such land is transferred or allotted to any person or persons and held under a separate title, the Board, with the approval of the Minister, may, provided that the scheme of subdivision is to its satisfaction, apportion the aggregate liability of such original tenants in common under any mortgage or bill of sale given as security to the Crown amongst the owners or