

32. 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: or in respect of the discharge or variation in the terms of any such memorandum of mortgage, or in respect of any memorial endorsed pursuant to section 15 of the Discharged Soldiers Settlement Amendment Act, 1923, on the registered copy of any lease or license, certificate of title, or other document, as the case may be."

33. 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.

34. 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.

35. 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 lessees of such subdivisions in such manner as may seem to it equitable, notwithstanding that the amount thus apportioned to the owner or lessee of one subdivision may be in excess of the maximum amount that such owner or lessee is entitled to obtain under any other part of these regulations.

36. A mortgagor may reduce his mortgage debt by payment of a sum of not less than £100 or such other greater amount as is deemed reasonable, and upon payment being made the unpaid balance of the said debt may be reduced accordingly. A memorandum of adjustment adjusting the half-yearly or monthly charges shall be registered and shall be deemed to vary the terms of the original mortgage to the extent stated in the memorandum of adjustment.

The mortgagor may at any time, without previous notice of intention so to do, pay to the mortgagee the amount (in no case less than ten pounds) of principal included, according to the table in the appropriate Schedule, in any number of consecutive half-yearly instalments next succeeding the instalment corresponding to the half-yearly period then current.

The payment of any such amount shall not affect the periodical continuity of half-yearly instalments, but the amount of principal and interest included in the succeeding instalments shall be calculated according to the said table as if the half-yearly periods corresponding to the instalments of principal so paid had expired, and the period of years during which instalments of principal and interest would have been payable shall be reduced accordingly.

37. Forms Nos. 6 and 10 in the First Schedule hereto may be modified to such extent as may be necessary in cases in which the land affected is not under the Land Transfer Act, 1915.

38. The costs and fees for the preparation and completion of mortgages for advances under paragraphs (a), (b), and (d) of subsection (1) of section 2 of the Discharged Soldiers Settlement Amendment Act, 1917, shall be determined in accordance with Part I or Part II of the scale hereinafter set forth as the case may require, and shall be paid by the mortgagor.

SCALE OF COSTS AND FEES FOR MORTGAGES.

Part I.—Mortgages under the Land Transfer Act, 1915.

Law-costs of perusing title, and of preparing, completing, and registering mortgage (exclusive of cash disbursements, if any),—

	£	s.	d.
For advance not exceeding £750	1	1	0
For advance exceeding £750, but not exceeding £1,500	1	11	6
For advance exceeding £1,500, but not exceeding £2,500	2	2	0
For advance exceeding £2,500	3	3	0

Provided that an extra fee of 5s. may be charged where a solicitor not residing in the registration centre employs an agent to register the mortgage.

Part II.—Mortgages under the Deeds Registration Act, 1908.

Law-costs of perusing title, and of preparing, completing, and registering mortgage (exclusive of cash disbursements, if any),—

	£	s.	d.
For advance not exceeding £750	2	2	0
For advance exceeding £750, but not exceeding £1,000	2	12	6
For advance exceeding £1,000, but not exceeding £1,500	3	3	0
For advance exceeding £1,500, but not exceeding £2,500	4	4	0
For advance exceeding £2,500	5	5	0

Provided that an extra fee of 5s. may be charged where a solicitor not residing in the registration centre employs an agent to register the mortgage.

39. The costs and fees for the preparation and completion of mortgages given by persons other than discharged soldiers as security for advances made under the said Act or its amendments shall be determined in accordance with Part I or II of the scale hereinafter set forth, as the case may require, and shall be paid by the mortgagor:—

SCALE OF COSTS AND FEES FOR MORTGAGES GIVEN BY PERSONS OTHER THAN DISCHARGED SOLDIERS.

Part I. Mortgages under the Land Transfer Act, 1915.

Law-costs of perusing title and of preparing, completing, and registering mortgage (exclusive of cash disbursements, if any),—

	£	s.	d.
For advance not exceeding £750	3	3	0
For advance exceeding £750 but not exceeding £1,500	4	4	0
For advance exceeding £1,500 but not exceeding £2,500	5	5	0
For advance exceeding £2,500	6	6	0

Provided that an extra fee of 5s. may be charged where a solicitor not residing in the registration centre employs an agent to register the mortgage.

Part II. Mortgages under the Deeds Registration Act, 1908.

Law-costs of perusing title and of preparing, completing, and registering mortgage (exclusive of cash disbursements, if any),—

	£	s.	d.
For advance not exceeding £750	4	4	0
For advance exceeding £750 but not exceeding £1,000	4	14	6
For advance exceeding £1,000 but not exceeding £1,500	5	5	0
For advance exceeding £1,500 but not exceeding £2,500	6	6	0
For advance exceeding £2,500	7	7	0

Provided that an extra fee of 5s. may be charged where a solicitor not residing in the registration centre employs an agent to register the mortgage.

40. In order to encourage the early payment of the instalments of principal and interest payable for any advance granted under the provisions of section 2 of the Discharged Soldiers Settlement Amendment Act, 1917, the following provisions shall apply with respect to every such instalment:—

- (a) If the mortgagor (not being in arrears with any previous instalment or other payment due for any advance made under any part of these regulations) pays an instalment on or before its due date, or not later than the fourteenth day thereafter, he shall be entitled to a rebate of one-tenth of so much thereof as consists of interest.
- (b) Such rebate may be deducted and retained by the mortgagor from the full nominal amount of the instalment when making the payment.
- (c) The rebate of interest hereby provided for shall be allowed in respect of so much of all instalments as consists of interest paid in connection with advances made under section 2 of the Discharged Soldiers Settlement Amendment Act, 1917, prior to the coming into force of this regulation; provided that such payments have been made on or before the due date or not later than the fourteenth day thereafter.
- (d) Not later than one month before any instalment payable half-yearly falls due, the Commissioner of Crown Lands shall post to the mortgagor at his last known address a notice specifying the due date of the instalment, the full nominal amount thereof, the amount of the rebate, and the date on which the right to the rebate will lapse; provided that the rights and liabilities of the mortgagor shall not be affected by the non-posting or non-receipt of such notice or by any error therein.