

Regulations under the Deteriorated Lands Act, 1925.

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 18th day of January, 1926.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by section sixteen of the Deteriorated Lands Act, 1925 (hereinafter referred to as the said Act), it is enacted that the Governor-General may from time to time make all such regulations as may be required for the purpose of giving effect to the provisions of the said Act :

And whereas by section two hundred and nineteen of the Land Transfer Act, 1915, it is enacted that the Governor-General may from time to time make regulations for regulating the practice and conduct of business under that Act :

Now, therefore, His Excellency the Governor-General of the Dominion of New Zealand, in pursuance and exercise of the powers and authorities conferred on him by the hereinbefore mentioned enactments, and acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby make the following regulations, and declare that the regulations hereby made shall come into force on the day of publication thereof in the *New Zealand Gazette*.

REGULATIONS.

INTERPRETATION.

1. IN these regulations—

“Commissioner” means the Commissioner of Crown Lands for the Land District in which is situated the land affected by the subject-matter and includes his deputy.

“Minister” means the Minister of Lands.

APPLICATIONS.

2. Every application for relief under the said Act shall be made in the Form No. 1 in the First Schedule hereto, or to the like effect.

REPORTS, VALUATIONS, AND RECOMMENDATIONS MADE BY SPECIAL REVALUATION COMMITTEE.

3. Every report and valuation, with recommendations, under the said Act made by a special revaluation committee shall be in the form No. 2 in the First Schedule hereto or to the like effect.

ADVANCES.

4. With respect to advances made under section eleven of the said Act, the following provisions shall apply :—

(a.) The amount of advance that may be so made to any one person, including all other advances made to the same person under these regulations and still remaining unpaid, shall not exceed £750 :

Provided that where two or more persons hold or propose to acquire any land (whether freehold or leasehold) as joint tenants or 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.

(b.) The amount of any advances made for the purchase of fencing-materials, lime, or manure, or to assist occupiers to defray any capital expenditure, may, in the discretion of the Minister, be advanced by progress payments corresponding to 75 per centum of the amount so expended from time to time by the mortgagor. In such case the value of the improvements effected out of moneys so expended shall from time to time be ascertained and certified to by some person authorized by the Minister in that behalf, and any certificate given by such person shall be final. The balance of the amount agreed to be advanced may be paid on receipt of a final certificate that the improvements in respect of which the advance is made have been satisfactorily completed.

(c.) Advances may be made hereunder as follows :—

(i.) On flat mortgage for any period not exceeding ten years bearing interest at the rate of 5½ per centum per annum secured by mortgage on the Form No. 3 in the First Schedule hereto, with such modifications as may be necessary.

(ii.) On instalment mortgage in the Form No. 4 in the First Schedule hereto, providing that all moneys advanced, together with interest thereon at the rate of 5½ per centum per annum, shall be repayable by half-yearly instalments over a period

either of twenty years or twenty-four and one-half years. Every half-yearly instalment shall consist partly of interest and partly of principal, and shall be calculated and apportioned according to the appropriate table in the Second Schedule or the Third Schedule hereto.

(iii.) Where advances secured by a flat mortgage given hereunder have been made to the full amount authorized by these regulations, or where advances to a lesser amount so secured are sufficient for the requirements of the mortgagor, such flat mortgage may be converted to an instalment mortgage in the manner prescribed by the preceding subparagraph, and effect may be given to such an arrangement by a memorandum of adjustment duly executed and registered.

(d.) For the purpose of the administration of these regulations the Minister may authorize the Commissioner, or any other officer of the Department of Lands and Survey, to make advances, and any such authority to make an advance issued by the Minister shall be deemed to be an authority to advance in one or more sums of money so that the total indebtedness, exclusive of interest of the person to whom such advance is made, shall not at any time exceed the amount so authorized.

(e.) For the purposes of section 82 of the Land Act, 1924, 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.

(f.) All the powers conferred upon His Majesty the King as mortgagee by any mortgage to secure repayments of moneys advanced under these regulations or pursuant to any law as such mortgagee may be exercised in his own name by the Commissioner, 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.

(g.) Where pursuant to subsection (5) of section 11 of the said Act any mortgage makes provision for the postponement for any period of the payment of interest, or of any instalment of principal and interest due thereunder until the due date of any later payment, all subsequent payments due shall, unless the Minister otherwise specifically determines, be deemed to be postponed for a like period, and the term of the mortgage shall be deemed to be extended by that period.

ENDORSEMENT ON TITLES, ETC., OF ALTERATIONS AFFECTED.

5. The District Land Registrar, on receipt of a certificate signed by a Commissioner of Crown Lands in the Form No. 5 in the First Schedule hereto, or to the like effect, setting forth particulars as to any reduction made pursuant to the said Act in the capital value of any land, or in the rental payable under any lease or license, or in the amount of any mortgage, or as to any other matter arising out of the said Act shall endorse a memorial of such certificate on the registered copy of the lease or license, or certificate of title or mortgage, or other document as the case may require.

FIRST SCHEDULE.

Form No. 1.

APPLICATION FOR RELIEF UNDER THE DETERIORATED LANDS ACT, 1925.

To the Commissioner of Crown Lands,
Section Block District
Area : Tenure Annual rent,
I, [Name in full], of [Address], the of the land described above, do hereby apply under the Deteriorated Lands Act, 1925, for such relief as may be afforded to me under the provisions of the said Act in respect of hardship due to the deterioration (natural lack of productivity) [*Strike out condition not applicable*] of the said land, including relief by way of an advance to the amount of £ for the purpose of

Fencing-material :

Lime :

Manures :

[Here give particulars and state quantities required.]

The land is utilized for [State whether for dairying, sheep, cropping, mixed farming, &c.]