

*Regulations in connection with the Issue by Local Authorities of Debentures in Replacement of Debentures declared to have been lost or inadvertently destroyed before Maturity thereof.*

BLEDISLOE, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 17th day of August, 1931.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

IN pursuance and exercise of the powers and authorities conferred on him by section forty of the Finance Act, 1931 (No. 2), (hereinafter referred to as "the said section"), and of all other powers and authorities in that behalf enabling, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby make the following regulations.

REGULATIONS.

1. THESE regulations may be cited as the Local Authorities (Replacement of Debentures) Regulations, 1931.

2. These regulations shall come into force on the date of the publication hereof in the *Gazette*.

3. For the purposes of these regulations the term—

"Local Authority" means any local authority or public body to whom the said section applies or may hereafter be made to apply :

"Loss" includes destruction, and "lost" has a corresponding meaning :

"Debenture-holder" includes every person entitled to the ownership or possession of or any other interest in any debenture ; and where more persons than one are entitled jointly or in common to an interest in any debenture under the same title, means all such persons acting together.

4. These regulations shall apply whether the loss of a debenture took place before or takes place after the coming into force hereof.

5. Application for the issue of a new debenture in the place of a lost debenture may be made by any debenture-holder.

6. Before making such application the debenture-holder shall give public notice of his intention to make such application, and shall in such notice state the time when and place at which the original debenture was last known to have been in existence, and any circumstances known relating to the loss of such debenture.

7. Such public notice shall be given by advertisement in a newspaper circulating in the district of the local authority which issued the debenture, and also in a newspaper circulating in the district in which the debenture is believed to have been lost or was last known to have been in existence.

8. If the local authority considers under the circumstances of the case that insufficient details have been given in such public notice, or that such public notice has been insufficiently advertised, the local authority may decline to issue a new debenture until further public notice has been given to its satisfaction.

9. Every such application shall be made to the local authority which issued the debenture, in writing, signed by the debenture-holder or his authorized agent, and shall be accompanied by a statutory declaration in form No. 1 in the Schedule hereto or to the like effect made by the person last known to have been in possession of the debenture alleged to have been lost, and shall also be accompanied by a copy of every newspaper containing the public notice hereinbefore prescribed.

10. If a declaration by the person last known to have been in possession of the debenture cannot be obtained, the local authority may accept in lieu thereof a statutory declaration to the like effect by some person able of his own knowledge to depose to the facts therein set out, and such declaration shall show why the declaration prescribed by the last preceding clause hereof is unobtainable, and shall set out the means of knowledge of the person making the declaration.

11. A bond of indemnity in form No. 2 in the Schedule hereto, or to the like effect, shall also be furnished by the applicant and two sureties approved by the local authority, such bond of indemnity being for an amount equivalent to at least double the face value of the debenture in respect of which the indemnity is given : Provided that a single surety may be accepted if such surety is an incorporated company or guarantee society approved by the Governor-General in Council for the purposes of section 22 of the Administration Act, 1908.

12. No person shall be approved by a local authority as a surety for the purposes of any bond under these regulations unless there is delivered to the local authority a report signed

by a manager of a bank stating that, in the opinion of such manager, the personal character and financial standing of such person and the probability of the permanent retention of his property in New Zealand are such that he may properly be accepted as a bondsman for the amount of the proposed bond, and unless the report sets out that it is given for the purposes of these regulations and sets out the amount of the proposed bond : Provided that no such report shall be required if the surety is an incorporated company or guarantee society approved by the Governor-General as aforesaid.

13. The debenture and interest coupons attached thereto to be issued under the authority of the said section shall have the words and figures "Duplicate issued under section 40 of the Finance Act, 1931 (No. 2)" written thereon, and every such duplicate debenture and interest coupon shall have the same effect to all intents and purposes as the original of which it is a duplicate.

14. The expenditure incurred by the local authority in connection with the issue of the new debenture shall constitute a debt due by the applicant to the local authority, and shall be payable prior to the issue of such new debenture : Provided that the local authority shall be entitled to recover under this regulation only such expenditure as has been reasonably incurred in the preparation and issue of such new debenture, and if any printing charges or other expenditure be incurred jointly in respect of more applications than one, the local authority shall apportion such expenditure amongst such applications in such manner as it deems equitable.

15. Notwithstanding the use in these regulations of the term "surety," and notwithstanding that as between the applicant and any other person executing a bond such person may be only a surety for the applicant, nevertheless as between all persons executing the bond of the one part and the local authority of the other part each of such persons shall be considered as a principal debtor, and be primarily liable accordingly, jointly and severally, according to the tenor of the bond.

16. If any application under these regulations is made to take effect on the maturity or payment of a debenture it shall not be necessary before payment thereof actually to prepare or issue a new debenture, but the local authority may without surrender of the lost debenture pay the sum thereby secured to the person entitled thereto on obtaining the evidence of loss hereinbefore provided for, and the good and sufficient indemnity provided for by the said section and by these regulations.

17. Any application under these regulations may be made in respect only of one or more interest coupons, whether or not the debenture to which the same were attached may also be lost, and on any such application these regulations shall apply as if each such interest coupon were itself a debenture, and the necessary modifications may be made in the forms set out in the Schedule hereto.

18. In any case where no person in New Zealand is able to make the statutory declaration hereby required to the satisfaction of the local authority, the local authority may accept in lieu thereof a declaration purporting to be made outside New Zealand in accordance with the provisions of an Act of the Parliament of the United Kingdom now known by the short title of the Statutory Declarations Act, 1835, or in accordance with the provisions of any law in force in any State of the British Commonwealth or any part or dependency of such State which has the effect of permitting declarations to be made before specified persons and imposing a penalty for falsity of a declaration so made.

SCHEDULE.

[Form No. 1.

UNDER THE LOCAL AUTHORITIES (REPLACEMENT OF DEBENTURES) REGULATIONS, 1931.

I, [Full name], of [Address], [Description], do solemnly and sincerely declare as follows :—

1. That I am the owner of [Name of local authority] debenture(s) as under :—

[Insert particulars of debenture(s).]

2. That to the best of my knowledge there were attached to the said debenture(s) interest coupons for interest due respectively on the half-yearly days from to (both dates inclusive).

3. That the said debenture(s) with relative interest coupons was/were kept by me in at , and I believe the said debenture(s) was/were lost or destroyed by

[Insert details of loss or destruction.]

4. That the said debenture(s) cannot now be located, and that diligent search and full inquiries have been made in all likely places for the said debenture(s), but no trace thereof can be found.