



SUPPLEMENT
TO THE
NEW ZEALAND GAZETTE
OF
FRIDAY, APRIL 26, 1935.

Published by Authority.

WELLINGTON, MONDAY, APRIL 29, 1935.

Making Regulations under the Rural Mortgages Final Adjustment Act, 1934-35.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 29th day of April, 1935.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

IN pursuance and exercise of the power and authority conferred on him by section seventy-six of the Rural Mortgages Final Adjustment Act, 1934-35, and of every other power and authority in this behalf enabling him, 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 Rural Mortgages Regulations, 1935, and shall come into force on the first day of May, 1935.
2. In these regulations the expression "the Act" means the Rural Mortgages Final Adjustment Act, 1934-35.
3. Every notice in the form No. 1 or No. 2 in the Schedule to the Act by a mortgagor or a mortgagee desiring a voluntary adjustment of a mortgagor's liabilities shall be presented in duplicate. One copy shall be retained by the Registrar for filing in the Court and the other copy shall be forwarded to the Adjustment Commission when the matter is referred to it pursuant to section 24 of the Act. Any such notice may be delivered to the Registrar by hand at his office, or it may be forwarded to him by prepaid post letter, in which case it shall be deemed to be filed upon the receipt thereof by the Registrar at the proper office.
4. (a) Where the State Advances Superintendent is a mortgagee or is otherwise a creditor of the mortgagor ; or
(b) Where His Majesty the King is a mortgagee of the mortgagor in respect of a mortgage taken under any statute the administration of which is confided to the Minister of Lands ; or
(c) Where His Majesty the King is a lessor or landlord or licensor of the mortgagor ;
or

(d) Where His Majesty the King is otherwise a creditor of the mortgagor in respect of a liability the enforcement of which is in the hands of the Minister of Lands ;

the mortgagor, at the same time as he hands or forwards a list of creditors and debtors and a statement of assets and liabilities and securities to the Registrar of the Court as required by the Act, shall forward a copy of such list and statement to the Superintendent of State Advances or the Commissioner of Crown Lands for the Land District in which the mortgaged property is situated (as the case may be) :

Provided that it shall not be necessary for any such copy to be verified by statutory declaration.

5. (a) Except where otherwise expressly provided, service of every notice or other document required by the Act or these regulations to be served on the mortgagor or upon any mortgagee or other creditor, or upon any other person, and every notice required in pursuance of any requirement of the Act that any person should receive notification of any decision or other matter, shall be effected either personally or by forwarding the same by post in a prepaid packet addressed to the person to be served at his usual or last-known place of abode or business, or in the case of a mortgagor, at the address stated in the notice by the mortgagor requiring adjustment of his liabilities.

(b) Every document so forwarded shall be deemed to be served at the time when it would be delivered at its address in the ordinary course of post by the Post-office, notwithstanding that it may be returned undelivered by the Post-office.

(c) Such service as aforesaid shall be sufficient notwithstanding that the person to be served may be deceased or under disability and that no legal personal representative of his estate may have been appointed.

(d) Service upon any one of persons jointly entitled shall be deemed good service upon all of them.

(e) If the person to be served as aforesaid shall, as his address for service, give the name and address of a solicitor, service may be effected upon such solicitor by leaving any document at such solicitor's office or by forwarding such document to such solicitor by post as provided above.

(f) Any notice to be given by the Adjustment Commission shall be sufficient if signed by a person purporting to act as Secretary of the Adjustment Commission.

6. Service of any notice or other document required to be served upon an owner or lessor of Native land may be effected by service, in manner provided in Regulation 5 hereof, upon the Registrar of the Native Land Court District in which the land is situate. Service so effected shall be deemed to be service upon each of such owners or lessors if more than one.

7. Notice of every meeting of creditors called by the Adjustment Commission pursuant to section 27 of the Act shall be given by the Adjustment Commission to the mortgagor and each of his creditors and be served in the manner provided in Regulation 5 hereof :

Provided that service shall be effected in each case not less than five clear days before the date appointed for the meeting :

Provided also that it shall not be necessary to serve any notice of an adjourned meeting if the date of such adjourned meeting was fixed at the meeting at which the adjournment was decided upon.

8. If any creditor objects to the inclusion of the name of any person on the list of creditors required by the Act to be filed by the mortgagor, or to the claim of any person that he is a creditor of the mortgagor, or if the Adjustment Commission entertains a doubt as to whether any person should be admitted as a creditor, the Adjustment Commission may require any such person to substantiate his claim by evidence to the satisfaction of the Adjustment Commission, and if such persons fails to satisfy the Adjustment Commission that he is a creditor of the mortgagor the Adjustment Commission may for the purposes of any meeting of creditors called by the Adjustment Commission exclude such person from exercising the rights of a creditor.

9. Notice of the decision of the Adjustment Commission approving or declining to approve a proposal for voluntary adjustment pursuant to section 28 of the Act shall be given by the Adjustment Commission to the mortgagor and each of his creditors and be served in the manner provided in Regulation 5 hereof :

Provided that it shall not be necessary to serve such notice upon any creditor who was present in person at the time when the decision of the Adjustment Commission was delivered, and every such creditor shall be deemed to have had notice of such decision.

10. Every decision of the Court of Review upon an appeal under the Act shall be notified by the Registrar to the Adjustment Commission.

11. Every decision of the Court of Review reversing or altering any direction or order of an Adjustment Commission given or made pursuant to section 32 of the Act shall be notified by the Adjustment Commission to the mortgagor and each of his creditors in manner provided by Regulation 5 hereof, or in such other manner as the Adjustment Commission deems sufficient.

12. A copy of every stay order issued under the Act shall be transmitted by the Registrar to the Adjustment Commission.

A. W. MULLIGAN,
Acting Clerk of the Executive Council.