



ANALYSIS

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1964, No. 32

An Act to consolidate and amend the law relating to the making of advances for housing purposes against the capitalised value of family benefits [3 November 1964]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Family Benefits (Home Ownership) Act 1964.

2. Interpretation—(1) In this Act unless the context otherwise requires,—

“Advance” means an advance for housing purposes made under this Act or under the Family Benefits (Home Ownership) Act 1958:

“Applicant” means any person who has applied for an advance:

“Beneficiary”, in relation to any family benefit, means the person to whom the family benefit is payable under the Social Security Act 1938, being a parent or step-parent of the child in respect of whom the benefit is payable:

“Capitalised value”, in relation to any family benefit, means the capitalised value of the benefit until the child in respect of whom it is payable attains the age of sixteen years, or, where that value is calculated in respect of any earlier age, until the child attains that earlier age, determined under this Act:

“Charge holder” means the person in whose favour a charge is taken under section 13 of this Act:

“Child” includes a stepchild in any case where the beneficiary is a step-parent of the child in respect of whom the family benefit is payable; and “parent” has a corresponding meaning:

“Commission” means the Social Security Commission appointed under the Social Security Act 1938:

“Department” means the Social Security Department:

“Dwelling” includes all necessary outbuildings and appurtenances in connection with a dwelling:

“Family benefit” means a family benefit under the Social Security Act 1938, being a benefit in respect of a child under sixteen years of age:

“Land” includes any estate or interest, whether freehold or chattel, in real property:

“Pay period”, in relation to any family benefit, means a period of four complete weeks for which pursuant to the Social Security Act 1938 the benefit is payable.

(2) Where a family benefit is payable in respect of two or more children, then, for the purposes of this Act, a separate benefit shall be deemed to be payable in respect of each child.

Cf. 1958, No. 106, s. 2; 1961, No. 25, ss. 2 (2), 3 (a); S.R. 1959/37, reg. 2

3. Housing purposes—Subject to the provisions of section 7 of this Act, the following purposes are hereby declared to be housing purposes for the purpose of this Act, namely:

- (a) The acquisition of land and the erection thereon of a new dwelling, to be used by the beneficiary as a home for the beneficiary and for the family of the beneficiary:
- (b) The acquisition of land with a dwelling thereon that has not previously been occupied, to be used by the beneficiary as a home for the beneficiary and for the family of the beneficiary:
- (c) The acquisition of land from the Crown with a dwelling thereon, to be used by the beneficiary as a home for the beneficiary and for the family of the beneficiary:
- (d) The erection of a new dwelling on land already owned, to be used by the beneficiary as a home for the beneficiary and for the family of the beneficiary:
- (e) The making of alterations or additions to a dwelling to provide additional accommodation required for the needs of the family of the beneficiary:
- (f) The repayment or partial repayment of money owing under an obligation incurred on or before the first day of January, nineteen hundred and fifty-nine, in—
 - (i) The acquisition of land with a dwelling thereon or the acquisition of land and the erection of a dwelling thereon or the erection of a dwelling on land already owned; or
 - (ii) The making of alterations or additions to a dwelling to provide additional accommodation required for the needs of the family of the beneficiary,—
if the dwelling is being used and will continue to be used by the beneficiary as a home for the beneficiary and for the family of the beneficiary:
- (g) The repayment or partial repayment of money owing under an obligation incurred on or after the first day of January, nineteen hundred and fifty-nine, where both the following conditions are satisfied:
 - (i) The obligation was incurred for a housing purpose specified in paragraph (a) or paragraph (b) or paragraph (c) or paragraph (d) of this section; and
 - (ii) At the time the obligation was incurred the beneficiary or the spouse of the beneficiary was residentially qualified for an advance but was not eligible because the child in respect of whom the benefit is payable was not born or had not attained the age of one year at that time:

- (h) The repayment, in whole or in part, of the unpaid balance of an advance previously made under this Act or under the Family Benefits (Home Ownership) Act 1958 to the beneficiary for any of the aforesaid purposes.

Cf. 1958, No. 106, s. 2A; 1961, No. 25, s. 2 (1)

Administration

4. Administration—This Act shall be administered in the Social Security Department by the Social Security Commission, and the Commission shall administer this Act and shall exercise all the powers conferred on it by this Act under the general direction and control of the Minister of Social Security.

Cf. S.R. 1959/37, reg. 3

5. Delegation of powers of Commission—(1) With the written consent of the Minister of Social Security, the Commission may from time to time, either generally or particularly, delegate to any Registrar or other officer of the Department such of its powers under this Act or under any regulations under this Act as the Commission determines.

(2) Subject to the provisions of this section and to any general or special directions given or conditions attached by the Commission, the officer to whom any powers are delegated under this section may exercise those powers in the same manner and with the same effect as if they had been conferred on him directly by this section and not by delegation.

(3) Every person purporting to act pursuant to any delegation under this section shall be presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary.

(4) Any delegation under this section may be made to a specified officer or to officers of a specified class, or may be made to the holder or holders for the time being of a specified office or class of offices.

(5) Any delegation under this section may be at any time revoked by the Commission, in whole or in part, and no such delegation shall prevent the exercise of any power by the Commission.

(6) Any applicant or beneficiary affected by any decision made by any officer in the exercise of any powers conferred on him by delegation under this section may, within three months after the communication of the decision to him, appeal therefrom to the Commission.

(7) The Commission shall review every decision appealed from as aforesaid, and may at any time, of its own motion, review any other decision made by any officer in the exercise of any powers conferred on him by delegation under this section, and in any such case the Commission may confirm, vary, or revoke the decision.

Advances for Housing Purposes

6. Advances for housing purposes—Subject to the provisions of this Act, and notwithstanding anything in the Social Security Act 1938, on the application of a beneficiary who pursuant to section 10 of this Act is eligible to receive such an advance, the Commission may, in its discretion, authorise the making of an advance for any housing purpose to the beneficiary of an amount not exceeding the capitalised value of the family benefit or benefits payable to the beneficiary:

Provided that—

- (a) Where application is made for an advance against the capitalised value of the family benefits payable in respect of two or more children of the beneficiary, the advance together with the amount of the unpaid balance of any other advance under this Act or under the Family Benefits (Home Ownership) Act 1958 previously made to the beneficiary shall not exceed one thousand pounds:
- (b) No such advance shall be made of an amount which, together with the amount of any previous advance or advances under this Act or under the Family Benefits (Home Ownership) Act 1958, is less than two hundred pounds.

Cf. 1958, No. 106, s. 3; 1961, No. 25, s. 2 (3) (a), (b),
(4)

7. Land in respect of which advance may be made—(1) No advance may be made, unless—

- (a) The beneficiary is the sole owner of the land in respect of which the advance is made or will be the sole owner of the land when acquired; or
- (b) The land in respect of which the advance is made is or will be settled on the beneficiary and the spouse of the beneficiary as a joint family home under the Joint Family Homes Act 1950; or
- (c) In the case of an advance made in respect of Maori freehold land,—

(i) The beneficiary is the sole owner of the land or will be the sole owner of the land when acquired; or

(ii) The beneficiary and the spouse of the beneficiary are the owners of the land as joint tenants or will be the owners of the land as joint tenants when acquired.

(2) The Commission may refuse to make an advance in respect of any land which is or will be used for or in association with any business, profession, or undertaking.

Cf. 1958, No. 106, s. 6

8. Applications for advance—(1) Every application for an advance shall be made by the beneficiary on a form provided for the purpose by the Commission, and shall be lodged in an office of the Department.

(2) Every beneficiary applying for an advance shall supply in writing such information in support of his application as the Commission requires, and shall declare that the contents of his application are true and correct in every material point.

(3) Where the beneficiary is married, the Commission may require the application to be made jointly by the beneficiary and the spouse of the beneficiary.

(4) It shall be the duty of every person to make true answers to all questions put to him by any member of the Commission or by a Registrar of the Department or by any authorised officer or agent of the Department or of the State Advances Corporation of New Zealand or of the Department of Maori Affairs in respect of any application for an advance or other matter arising under this Act or any regulations under this Act, and without requiring the payment of any fee, to furnish in writing such certificates and information as may be required for the purposes of this Act or of any such regulations.

Cf. S.R. 1958/37, reg. 4

9. Declarations—Any declaration required to be made for the purpose of this Act may be made before—

(a) Any person authorised to take a declaration under regulations made pursuant to section 140 of the Social Security Act 1938; or

(b) Any person authorised to take a statutory declaration; or

- (c) In a case of a declaration by a Maori, any of the aforesaid persons or any officer of the permanent staff of the Department of Maori Affairs.

Cf. S.R. 1958/37, reg. 15

10. Eligibility of beneficiaries—(1) Where the Commission is satisfied that the applicant is eligible to receive an advance and that the purpose for which the advance is applied for is a housing purpose, the Commission may issue to the applicant a certificate of eligibility in a form provided for the purpose by the Commission, stating that the applicant is eligible for an advance and specifying the housing purpose for which an advance may be made, the capitalised value of the family benefit or benefits in respect of which an advance may be made, and the date at which the capitalised value of the benefit or benefits has been ascertained:

Provided that a certificate of eligibility shall not be issued to the applicant, unless—

- (a) The child in respect of whom the family benefit is payable has attained the age of one year; and
- (b) The Commission, after taking into consideration the income and assets of the applicant and of the spouse of the applicant, is satisfied that—
- (i) The application of the future payments of family benefit towards the repayment of any advance would not cause hardship to the applicant; and
- (ii) The applicant or the spouse of the applicant could not reasonably be expected to arrange finance from any other source; and
- (c) The applicant or the spouse of the applicant has resided in New Zealand for a period or periods aggregating not less than three years during the period of ten years immediately preceding the date of his application for an advance.

(2) For the purposes of this section a beneficiary shall be deemed to have resided in New Zealand during any period (whether before or after the commencement of this Act) during which, pursuant to section 19 of the Social Security Amendment Act 1947, he is deemed for the purposes of Part II of the Social Security Act 1938 to have been resident in New Zealand.

(3) Every certificate of eligibility shall continue in force for a period of twelve months, but may from time to time, on the application of the beneficiary, be renewed for further periods of twelve months:

Provided that the Commission may cancel any certificate of eligibility at any time where the Commission is satisfied that the beneficiary is no longer eligible for an advance.

(4) The provisions of subsections (1) to (3) of this section shall apply with respect to every application for the renewal of a certificate of eligibility as if it were an application for such a certificate:

Provided that the Commission may renew any such certificate on such terms and conditions as the Commission determines.

(5) The decision of the Commission as to whether or not an applicant is eligible for an advance or is no longer eligible for an advance shall be final.

(6) Where a certificate of eligibility is issued to a beneficiary, and so long as it continues in force, the family benefit or benefits shall be withheld from the beneficiary on and from the date specified in the certificate as the date as at which the capitalised value of the benefit or benefits has been ascertained.

Cf. S.R. 1959/37, reg. 6; S.R. 1961/161, reg. 4

11. Advances to beneficiaries—Subject to the limits specified in section 6 of this Act, an advance for any housing purpose may be made to any eligible beneficiary, upon such terms and subject to such conditions as the Commission determines.

Cf. S.R. 1959/37, reg. 7; S.R. 1961/161, reg. 5

12. Amount of advances—(1) The capitalised value of a family benefit for the purposes of an advance shall be calculated in accordance with the table set out in the First Schedule to this Act, having regard to the number of pay periods that will occur from the date on which the benefit ceases to be payable to the beneficiary by reason of the advance until the end of the period for which the benefit is to be applied in repayment. Where for any reason the family benefit is payable at a reduced rate, the capitalised value shall be calculated on the basis of that reduced rate.

(2) An advance may be made of the capitalised value of a family benefit payable in respect of any child for a period expiring at the end of the pay period in which the child attains the age of sixteen years or for any shorter period.

Cf. S.R. 1959/37, reg. 8; S.R. 1961/141, reg. 6

13. Advances to be charged on land—(1) The amount of an advance shall be a charge upon the land in respect of which it is made, and the charge may be registered against the land in the manner prescribed by section 14 of this Act.

(2) Every charge created under this section shall be taken—

(a) In favour of Her Majesty the Queen in any case where a loan on the security of the land has been granted or applied for under the Maori Housing Act 1935 or the Maori Trustee Act 1953:

(b) In favour of the State Advances Corporation of New Zealand as agent for the Commission in every other case.

(3) Notwithstanding anything in any other Act, where the amount of any advance is applied in discharging or partially discharging any registered encumbrance existing on the land, the charge created by this section shall, when registered under the Land Transfer Act 1952 or other appropriate Act, have priority over all registered encumbrances over which the encumbrances so discharged or partially discharged had priority, subject to the registration before the registration of the charge of a discharge or partial discharge, as the case may be, of the encumbrances so wholly or partially discharged.

(4) Where an advance is applied in payment or partial payment of purchase money owing under a registered agreement for sale and purchase of land or under a registered lease or licence under which the beneficiary or the beneficiary and the spouse of the beneficiary are purchasing the fee simple of the land, the charge securing the repayment of the advance shall charge the interest of the beneficiary or, as the case may be, of the beneficiary and the spouse of the beneficiary in the agreement or lease or licence (or the fee simple, if the advance is applied in payment in full of the purchase money), and shall rank immediately before all other encumbrances registered against the agreement or lease or licence or, where the advance is applied in payment in full of the purchase money, immediately before all encumbrances to which the agreement or lease or licence was subject immediately before the acquisition of the fee simple by the beneficiary or by the beneficiary and the spouse of the beneficiary:

Provided that the charge holder may agree to accept a lower ranking in order of priority.

(5) For the purposes of section 461 of the Maori Affairs Act 1953, a charge under this Act shall be deemed to be a mortgage.

(6) A charge under this Act shall be deemed not to be a public security for the purposes of the Public Revenues Act 1953, unless it has become repayable pursuant to section 18 or section 19 of this Act.

(7) The provisions of the Property Law Act 1952 shall apply with respect to every such charge as if the charge were a mortgage of the land and as if references to the mortgagor and to the mortgagee were references to the person giving the charge and to the charge holder respectively. In particular, without limiting the generality of the foregoing provisions of this subsection, there shall be implied therein on the part of the person giving the charge the covenants by the mortgagor specified in the Fourth Schedule to that Act, and in favour of the charge holder the powers and conditions specified in that Schedule.

(8) Where the land over which any such charge in favour of the State Advances Corporation of New Zealand as agent for the Commission is taken is a tenure of any of the kinds referred to in section 6 of the State Advances Corporation Amendment Act 1935, the provisions of that section, as far as they are applicable and with the necessary modifications, shall apply as if the advance was a loan granted by the Corporation and as if references in that section to a mortgage and to the mortgagor were references to the charge and the person giving the charge respectively.

(9) Every such charge in favour of Her Majesty the Queen may be enforced, sued upon, varied, or released on behalf of Her Majesty by any person for the time being authorised by the Board of Maori Affairs under section 30 of the Maori Housing Amendment Act 1938 or section 10 of the Maori Affairs Act 1953 to take proceedings or execute documents for the purposes of the Maori Housing Act 1935.

(10) Nothing in section 11 of the Maori Housing Amendment Act 1938 shall apply with respect to any charge created by this section.

Cf. 1958, No. 106, s. 7; 1961, No. 25, s. 2 (3) (c), (d);
1961, No. 61, s. 2; S.R. 1959/37, reg. 9; S.R. 1961/141,
reg. 7

14. Registration of charges and releases of charges—

(1) Registration of a charge created by section 13 of this Act may be effected by depositing in duplicate with the District Land Registrar or other appropriate registering authority an instrument in form 1 in the Second Schedule to this Act duly executed by the registered proprietor or other owner of the land and witnessed.

(2) Subject to the provisions of subsection (3) of section 13 of this Act, the order of priority in which the charge shall rank in relation to any existing encumbrances shall be specified in the charge.

(3) Where any advance is repaid or deemed to have been repaid, the charge holder shall execute in form 2 in the Second Schedule to this Act a release of the charge, which shall, upon presentation, be registered by the District Land Registrar or other appropriate registering authority. Where a charge is to be partially released, such modifications shall be made in the said form 2 as may be necessary.

(4) Where the advance was made against the capitalised value of the family benefits payable in respect of two or more children, a partial release of the charge may be executed and registered when so much of the advance as was made in respect of the benefit payable in respect of any one such child has been repaid or is deemed to have been repaid.

Cf. S.R. 1959/37, reg. 13

15. Family benefit to be applied in repayment of advances—

(1) Notwithstanding anything in the Social Security Act 1938, where an advance is made to a beneficiary, each family benefit in respect of which the advance is made shall—

(a) Cease to be payable to the beneficiary until the child in respect of whom the benefit is payable attains the age in respect of which the capitalised value of the benefit was calculated for the purposes of the advance, and, on the attainment of that age by the child, the advance, to the extent to which it was made in respect of that benefit, shall be deemed to have been repaid:

(b) In any case where before the child attains that age an event occurs by reason of which the unpaid balance of the advance, or any part thereof, has become repayable, be applied, so long as entitlement to a benefit remains, in repayment of that balance or part and any interest payable thereon until that balance or part and that interest are paid in full,—
and thereafter, if the benefit continues to be payable in respect of that child, it shall be paid to the person entitled to receive payment thereof under the Social Security Act 1938.

(2) Where the child in respect of whom a family benefit is payable dies after the expiration of one year from the date of the advance and before attaining the age in respect of which the capitalised value of the benefit was calculated for

the purpose of the advance and before any event has occurred by reason of which the unpaid balance of the advance or any part thereof has become repayable, any advance, to the extent that it was made in respect of that benefit, shall be deemed to have been repaid on the death of the child.

Cf. 1958, No. 106, s. 5; 1961, No. 25, s. 3 (b)

16. Death of both parents of child—Where an advance is made in respect of a family benefit, and—

(a) The beneficiary and the spouse (if any) of the beneficiary at the date of the advance both die before the child in respect of whom the benefit was payable attains the age in respect of which the capitalised value of the benefit was calculated for the purposes of the advance, and before the occurrence of any event by reason of which the unpaid balance of the advance, or any part thereof, has become repayable; and

(b) After the death of the survivor of the beneficiary and the spouse of the beneficiary, or, as the case may be, after the death of the beneficiary, an orphan's benefit is granted under the Social Security Act 1938 in respect of that child,—

the advance, to the extent to which it was made in respect of the family benefit payable in respect of that child, shall, if the Commission so determines, be deemed to have been repaid on the date of the commencement of that orphan's benefit.

17. Resumption of payment of benefit—Notwithstanding anything in section 15 of this Act, where an advance has become repayable, whether before or after the passing of this Act, the Commission may, in its discretion, at any time resume payment of the benefit to such other person or persons as the Commission determines, without releasing the beneficiary or the spouse of the beneficiary from any liability to repay the unpaid balance of the advance and any interest payable thereon or releasing the charge over the land owned by the beneficiary or the beneficiary and the spouse of the beneficiary.

18. Repayment of advance where death of child caused by parent—(1) Notwithstanding anything in section 15 of this Act, where the child in respect of whom an advance has been made dies after the expiration of one year from the date of the advance and before attaining the age in respect of which

the capitalised value of the benefit was calculated for the purpose of the advance, and the death of the child is caused by an offence of which a parent of the child is convicted, being an offence which is culpable homicide within the meaning of the Crimes Act 1961, the Chairman of the Commission may apply to a Magistrate for an order declaring that the unpaid balance of the advance at the date of death of the child became repayable on that date.

(2) On any application under subsection (1) of this section, the Magistrate shall, having regard to the conduct of the parents of the child and to all the circumstances of the case,—

- (a) Make an order declaring that the unpaid balance of the advance became repayable on the death of the child; or
- (b) Make such other order as he thinks fit in order to ensure that any parent who was so convicted or whose conduct, in the opinion of the Magistrate, contributed to the death of the child will not derive any benefit from the death of the child; or
- (c) Make an order declaring that the unpaid balance of the advance shall be deemed to have been repaid on the death of the child.

(3) Where the Magistrate makes an order under paragraph (a) of subsection (2) of this section, interest at the rate prescribed by subsection (1) of section 21 of this Act shall be payable on the unpaid balance of the advance from the date of death of the child.

Cf. 1958, No. 106, s. 5A; 1961, No. 25, s. 4

19. Repayment of advances—(1) Subject to the provisions of section 18 of this Act, the unpaid balance of an advance shall be repayable upon demand signed by the charge holder or by the person entitled to enforce the charge under section 13 of this Act or by any agent or servant or clerk of the charge holder or of that person, served upon the beneficiary and where necessary the spouse of the beneficiary, either personally or by posting the notice in a duly registered letter addressed to him at his usual or last known place of abode in New Zealand.

(2) Without limiting the circumstances in which such a demand may be made, demand may, if the Commission so determines, be made—

- (a) On the occurrence of any event (other than the death after the expiration of one year from the date of

the advance of a child in respect of whom the benefit was payable) by reason of which the benefit or any part thereof would have ceased to be payable to the beneficiary if the advance had not been made; or

- (b) On the transfer or lease or other disposition by the beneficiary or by the beneficiary and the spouse of the beneficiary of the land in respect of which the advance was made or the occurrence of any event by which the beneficiary ceases to be the owner or one of the owners of the land; or
- (c) On the beneficiary, or any child in respect of whom the benefit to which the advance relates was payable, ceasing to occupy as a home the land in respect of which the advance was made; or
- (d) On the conviction of the beneficiary or the spouse of the beneficiary of any offence against this Act or of any offence against the Social Security Act 1938 relating to a family benefit in respect of which the advance was made.

(3) The fact that any such demand is made by the charge holder or by the person entitled to enforce the charge under section 13 of this Act or by any agent or servant or clerk of the charge holder or of that person shall be sufficient evidence of the authority of the charge holder or of that person, agent, servant, or clerk to make the demand.

(4) Where the child in respect of whom a family benefit was payable dies within one year after the date of an advance in respect of that benefit, the unpaid balance of the advance, unless it is sooner repaid by the beneficiary, shall remain charged against the land until the repayment is required by the charge holder.

(5) For the purposes of this Act, the date of an advance shall be deemed to be the date on which the family benefit in respect of which the advance was made ceases to be payable to the beneficiary by reason of the advance.

Cf. S.R. 1959/37, reg. 10

20. Calculation of unpaid balance of advance—For the purposes of this Act, the amount of the unpaid balance of an advance shall be calculated in accordance with the table set out in the First Schedule to this Act, and shall be an amount equal to the capitalised value of the benefit in respect of which it was made for the number of pay periods of the

advance less the number of pay periods that have elapsed since the date of the advance, calculated, as if for an advance in the first instance, from the end of the pay period during which the event occurred which results in the advance becoming repayable.

21. Interest on unpaid balance of advance—(1) Where an order is made under paragraph (a) of subsection (2) of section 18 of this Act declaring that the unpaid balance of an advance became repayable on the death of the child, the unpaid balance of the advance shall bear interest from that date at the rate of five pounds per cent per annum.

(2) In all other cases the Commission, in its discretion, may determine the rate of interest (if any) payable on the unpaid balance of the advance, but in no case shall that rate be higher than five pounds per cent per annum.

Cf. S.R. 1959/37, reg. 12; S.R. 1961/141, reg. 8

22. Recovery of unpaid balance—The unpaid balance of an advance that has become repayable pursuant to this Act and any interest thereon may be recovered as a debt due to the Crown at the suit of any one of the Commissioners of the Social Security Commission, or the Commission may make any necessary adjustments in any instalments of the benefit or any other benefit under Part II of the Social Security Act 1938 payable or thereafter becoming payable to the beneficiary or to the spouse of the beneficiary.

Miscellaneous Provisions

23. Financial provisions—(1) Every advance shall be made, out of the Consolidated Revenue Account, from money appropriated by Parliament for the purpose.

(2) For the purpose of making advances the Minister of Finance is hereby empowered to borrow, on a security of and charged upon the public revenue of New Zealand, such sums of money as he thinks fit.

(3) The sums borrowed under the authority conferred by subsection (2) of this section shall bear interest at such rate as the Minister of Finance prescribes.

(4) All money borrowed under the authority of the said subsection (2) shall be paid into the Consolidated Revenue Account.

(5) The said subsection (2) shall be deemed to be an authorising Act within the meaning of the New Zealand

Loans Act 1953, and the money authorised by that subsection to be borrowed shall be borrowed under and subject to the provisions of that Act accordingly.

Cf. 1958, No. 106, s. 4; 1963, No. 46, s. 17

24. Exemption from stamp duty—No stamp duty shall be payable on any agreement or other instrument made or executed under this Act.

Cf. 1958, No. 106, s. 8

25. Exemption from fees—No fee shall be payable under any Act in respect of registration of any document required for the purpose of registering or releasing (whether wholly or in part) any charge created under section 13 of this Act.

Cf. S.R. 1959/37, reg. 14

26. Offences and penalties—(1) Every person commits an offence against this Act who—

- (a) In relation to any application for an advance, whether to himself or to any other person, makes any statement knowing it to be false in any material particular or otherwise wilfully attempts to mislead any officer concerned in the administration of this Act or any other person whomsoever; or
- (b) Being a beneficiary or the spouse of a beneficiary to whom an advance has been made,—
 - (i) Fails, within a reasonable time after being required so to do, to supply in writing to the Commission any information reasonably required by the Commission for the purpose of ascertaining whether or not the conditions on which the advance was made have been fulfilled or whether or not any event has occurred by reason of which the advance or any part thereof has become repayable; or
 - (ii) Supplies any such information knowing it to be false or misleading in any material particular; or
- (c) Except in a case to which paragraph (a) or paragraph (b) of this subsection applies, wilfully fails to comply with any of the requirements of subsection (4) of section 8 of this Act.

(2) Any person who commits an offence against paragraph (a) or paragraph (b) of subsection (1) of this section is liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds.

(3) Every person who commits an offence against paragraph (c) of subsection (1) of this section is liable on summary conviction to a fine not exceeding fifty pounds.

Cf. S.R. 1959/37, reg. 16

27. Regulations—The Governor-General may from time to time, by Order in Council, make regulations providing for such matters as are necessary for giving full effect to the provisions of this Act and for the due administration thereof.

Cf. 1958, No. 106, s. 9; 1961, No. 25, ss. 2 (3) (e), 3 (c), (d)

28. Repeals and revocations—(1) The following enactments are hereby repealed:

(a) The Family Benefits (Home Ownership) Act 1958:

(b) The Family Benefits (Home Ownership) Amendment Act 1960:

(c) The Family Benefits (Home Ownership) Amendment Act 1961:

(d) Section 17 of the Public Revenues Amendment Act 1963.

(2) The following regulations are hereby revoked:

(a) The Family Benefits (Home Ownership) Regulations 1959:

(b) The Family Benefits (Home Ownership) Regulations 1959, Amendment No. 2.

SCHEDULES

Sections 12, 20

FIRST SCHEDULE

TABLE FOR CALCULATING CAPITALISED VALUE OF FAMILY BENEFITS AND UNPAID BALANCE OF ADVANCES

Number of Pay Periods for Which Benefit Capitalised	Capitalised Value of Benefit	Number of Pay Periods for Which Benefit Capitalised	Capitalised Value of Benefit
	£ s. d.		£ s. d.
1	3 0 0	44	125 8 0
2	6 0 0	45	128 2 0
3	8 19 0	46	130 16 0
4	11 18 0	47	133 10 0
5	14 17 0	48	136 4 0
6	17 16 0	49	138 18 0
7	20 15 0	50	141 12 0
8	23 14 0	51	144 6 0
9	26 13 0	52	146 19 0
10	29 12 0	53	149 12 0
11	32 11 0	54	152 5 0
12	35 10 0	55	154 18 0
13	38 8 0	56	157 11 0
14	41 6 0	57	160 4 0
15	44 4 0	58	162 17 0
16	47 2 0	59	165 9 0
17	50 0 0	60	168 1 0
18	52 18 0	61	170 13 0
19	55 15 0	62	173 5 0
20	58 12 0	63	175 17 0
21	61 9 0	64	178 9 0
22	64 6 0	65	181 1 0
23	67 3 0	66	183 13 0
24	70 0 0	67	186 4 0
25	72 17 0	68	188 15 0
26	75 13 0	69	191 6 0
27	78 9 0	70	193 17 0
28	81 5 0	71	196 8 0
29	84 1 0	72	198 19 0
30	86 17 0	73	201 10 0
31	89 13 0	74	204 1 0
32	92 9 0	75	206 12 0
33	95 5 0	76	209 3 0
34	98 1 0	77	211 13 0
35	100 16 0	78	214 3 0
36	103 11 0	79	216 13 0
37	106 6 0	80	219 3 0
38	109 1 0	81	221 13 0
39	111 16 0	82	224 3 0
40	114 11 0	83	226 13 0
41	117 6 0	84	229 2 0
42	120 0 0	85	231 11 0
43	122 14 0	86	234 0 0

FIRST SCHEDULE—*continued*TABLE FOR CALCULATING CAPITALISED VALUE OF FAMILY BENEFITS AND UNPAID BALANCE OF ADVANCES—*continued*

Number of Pay Periods for Which Benefit Capitalised	Capitalised Value of Benefit			Number of Pay Periods for Which Benefit Capitalised	Capitalised Value of Benefit		
	£	s.	d.		£	s.	d.
87	236	9	0	134	345	13	0
88	238	18	0	135	347	17	0
89	241	7	0	136	350	1	0
90	243	16	0	137	352	5	0
91	246	5	0	138	354	9	0
92	248	14	0	139	356	12	0
93	251	2	0	140	358	15	0
94	253	10	0	141	360	18	0
95	255	18	0	142	363	1	0
96	258	6	0	143	365	4	0
97	260	14	0	144	367	7	0
98	263	2	0	145	369	10	0
99	265	10	0	146	371	13	0
100	267	18	0	147	373	16	0
101	270	6	0	148	375	19	0
102	272	14	0	149	378	1	0
103	275	1	0	150	380	3	0
104	277	8	0	151	382	5	0
105	279	15	0	152	384	7	0
106	282	2	0	153	386	9	0
107	284	9	0	154	388	11	0
108	286	16	0	155	390	13	0
109	289	3	0	156	392	15	0
110	291	9	0	157	394	17	0
111	293	15	0	158	396	19	0
112	296	1	0	159	399	0	0
113	298	7	0	160	401	1	0
114	300	13	0	161	403	2	0
115	302	19	0	162	405	3	0
116	305	5	0	163	407	4	0
117	307	11	0	164	409	5	0
118	309	17	0	165	411	6	0
119	312	3	0	166	413	7	0
120	314	8	0	167	415	8	0
121	316	13	0	168	417	9	0
122	318	18	0	169	419	9	0
123	321	3	0	170	421	9	0
124	323	8	0	171	423	9	0
125	325	13	0	172	425	9	0
126	327	18	0	173	427	9	0
127	330	3	0	174	429	9	0
128	332	8	0	175	431	9	0
129	334	13	0	176	433	9	0
130	336	17	0	177	435	9	0
131	339	1	0	178	437	9	0
132	341	5	0	179	439	8	0
133	343	9	0	180	441	7	0

FIRST SCHEDULE—*continued*TABLE FOR CALCULATING CAPITALISED VALUE OF FAMILY BENEFITS AND UNPAID BALANCE OF ADVANCES—*continued*

Number of Pay Periods for Which Benefit Capitalised	Capitalised Value of Benefit	Number of Pay Periods for Which Benefit Capitalised	Capitalised Value of Benefit
	£ s. d.		£ s. d.
181	443 6 0	190	460 13 0
182	445 5 0	191	462 11 0
183	447 4 0	192	464 9 0
184	449 3 0	193	466 7 0
185	451 2 0	194	468 5 0
186	453 1 0	195	470 2 0
187	454 19 0	196	471 19 0
188	456 17 0	197	473 16 0
189	458 15 0		

Section 14 (1)

SECOND SCHEDULE

Form 1

CHARGE UNDER SECTION 13 OF THE FAMILY BENEFITS
(HOME OWNERSHIP) ACT 1964

(Exempt from stamp duty under section 23)

FULL name(s) of (registered proprietor(s)) (owner(s)) (deemed by the above Act to be "the mortgagor"):

Estate:

Land: [*Area and particulars*]

Reference to title in register:

The ranking of this charge in relation to existing encumbrances in their order of priority is shown in the Schedule hereto.

Charge holder (deemed by the above Act to be "the mortgagee"):

.....

Advance: £.....

Date of advance:

Rate of interest: As prescribed by section 21 of the Family Benefits (Home Ownership) Act 1964.

How and when principal and interest repayable: Upon demand.

Special covenants or conditions:

And for the better securing to the charge holder the repayment of the said advance and interest and other money I (we) hereby charge and mortgage to the charge holder all my (our) estate and interest in the land above described.

SECOND SCHEDULE—*continued*Form 1—*continued*

SCHEDULE

*Ranking of Charge in Relation to Existing Encumbrances in
Order of Priority*

E.g. First - Memorandum of mortgage No. securing the sum
of £.....

Second - This charge.

Third - Memorandum of mortgage No. securing the sum
of £.....

As witness my (our) hand(s) this day of 19 ...
Signed by the said }
in the presence of: }

Form 2

Section 14 (3)

RELEASE OF CHARGE

[*Name of charge holder*] as the charge holder under the within-written charge hereby for valuable consideration received releases from that charge the within-described land, estate, and interest, which ceases to be subject to the charge or liable for the repayment of the advance secured by the charge.

Dated this day of 19.....

[*To be executed by charge holder or person authorised
to sign release on behalf of charge holder.*]

This Act is administered in the Social Security Department.