

New Zealand.



ANALYSIS.

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1935, No. 34.

AN ACT to make Better Provision for the Housing of the Maori People. Title.
[26th October, 1935.]

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

1. This Act may be cited as the Native Housing Act, 1935. Short Title.

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

“ Board ” means the Board of Native Affairs constituted under the Board of Native Affairs Act, 1934–35:

“ Court ” means the Native Land Court constituted under the Native Land Act, 1931:

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

“ Native ” means a person belonging to the aboriginal race of New Zealand, and includes a person descended from a Native.

Board may make advances for the erection and repair of dwellings.

3. For the purpose of providing dwellings and improved housing conditions for Natives the Board may, out of moneys appropriated by Parliament for the purposes of this Act, make advances to Natives for all or any of the following purposes, namely:—

- (a) For the erection, repair, alteration, or improvement of any dwellings and of all necessary outbuildings, fences, and appurtenances attached thereto:
- (b) For the repair, alteration, improvement, or installation in or in respect of any dwelling of a system of lighting, heating, sanitation, water-supply, or other conveniences:
- (c) For the purchase of land or interests in land as a site for a dwelling or dwellings:
- (d) For the draining, cultivation, or general improvement of the land appurtenant to a dwelling.

Securities upon which advances may be made.

4. (1) Any such advances may be made as the Board shall determine upon any of the following classes of security, namely:—

- (a) A first mortgage of Native land or of land owned by Natives (including a leasehold interest in any such land):
- (b) A first mortgage of any undivided interest or interests in Native land:
- (c) An assignment of the proceeds of the alienation of Native land or of land owned by Natives:
- (d) An assignment or other disposition of any other moneys payable or to become payable whether on account of the sale of dairy-produce or other produce of land or otherwise howsoever:
- (e) Such other security or securities as the Board may approve.

(2) In determining whether any application for an advance should be granted the Board shall not be bound to insist upon any fixed or definite margin of security but may authorize such advances in any case where the Board considers it expedient so to do.

5. (1) The Board may require any order on or assignment of moneys given as security for the repayment of any moneys advanced under the provisions of this Act to be expressed to be irrevocable, notwithstanding the death of the person giving such order or assignment or of his successors in title, and any such order or assignment shall be irrevocable accordingly except with the consent in writing of the Board.

Board may require assignments of moneys as security to be irrevocable.

(2) Notwithstanding any rule of law or regulation or anything in this or any other Act to the contrary, any company, body corporate, or person upon whom notice of any such order or assignment has been served shall be bound to accept and to act upon any such order or assignment and to pay to the person nominated in that behalf in the order or assignment all moneys from time to time payable thereunder.

(3) Every such order or assignment shall be taken in the name of His Majesty the King.

6. (1) For the purposes of this Act it shall be competent for any Native to give an order on or an assignment of the proceeds of the alienation of any land (including compensation-moneys for land taken), whether any such lands are or were vested in a Maori Land Board, the Native Trustee, the East Coast Commissioner, the Public Trustee, or any other trustee, or not.

Assignments may be of moneys from lands vested in trustees.

(2) Any such order or assignment shall be valid and enforceable for all purposes, notwithstanding the provisions of the Native Land Act, 1931, or of any other Act to the contrary.

7. No moneys advanced under the provisions of this Act shall, unless the Board otherwise determines, be paid to the applicant, but all such moneys shall be expended or applied by the Board or at its direction for all or any of the purposes mentioned in section three hereof.

Advances not to be paid direct to applicant.

8. (1) Any moneys advanced under the provisions of this Act shall constitute a charge against the land in respect of which the same have been made.

Charging-orders may be made by the Court.

(2) The Court may, on proof of any such advances, make an order charging the land or any part thereof, or any undivided or partial interest therein, with repayment to the Crown of the amount advanced, with interest at the rate determined in accordance with this Act, and by such instalments and with such directions for giving effect to the charge as the Court thinks expedient. The certificate of the Native Minister shall for all purposes be *prima facie* proof of the amount of the advance and may be accepted by the Court accordingly.

(3) The Court may make a further order varying any former order either in respect of any additional advance or by way of apportioning the charge in such manner as it thinks expedient or for any other purpose it thinks fit, and every subsequent order shall supersede all or any prior charging-orders so far as inconsistent therewith, and, where any charge is apportioned, each portion shall be deemed to be a separate charge.

(4) If and whenever the Board deems it expedient to obtain further or additional security with respect to any moneys advanced under the provisions of this Act, it may apply to the Court for an order charging any other land or interest therein owned by the Native or Natives to whom or on whose behalf the advances have been made with repayment of the amount advanced, whether such other land is held jointly or in common with other persons or not. All of the provisions of the last preceding subsection shall apply to orders made under this subsection.

(5) A certificate under the hand of the Native Minister that the amount secured by any charge granted under the provisions of this section, or any part thereof, has been paid or otherwise satisfied shall be accepted as sufficient proof of the satisfaction or discharge *pro tanto* of such charge, and may be registered accordingly.

(6) Any charge constituted under the provisions of this section may be registered under the Land Transfer Act, 1915, or the Deeds Registration Act, 1908, as the case may require, and may from time to time, on the application of the Native Minister, be enforced by the Court either—

(a) By the appointment of a receiver in respect of the land so charged; or

(b) By making an order vesting in His Majesty the King either the whole or such part of the land so charged as will, in the opinion of the Court, be sufficient to satisfy or partially satisfy the charge. Any such vesting order shall vest the land affected thereby in His Majesty the King, subject, however, to any estate or interest having priority to the charge, and the charge shall thereupon to the extent to which the land so vested is a satisfaction thereof, be extinguished.

(7) Any land with a dwelling situated thereon, which, by virtue of an order made under the last preceding subsection, becomes vested in His Majesty the King, may be leased, sold, or otherwise dealt with or disposed of by the Board on such terms and conditions as the Board may determine.

(8) All other land which so becomes vested in His Majesty the King may be proclaimed Crown land under section four hundred and fifty-four of the Native Land Act, 1931, in the same manner as if it were land purchased by the Crown, and shall thereupon be deemed settlement land subject to the provisions of the Land for Settlements Act, 1925, and be administered and dealt with accordingly. A sum equivalent to the value of such land as determined by the Dominion Land Purchase Board shall be transferred from the Land for Settlements Account to such other account as the Minister of Finance shall determine.

9. (1) As security for the repayment of any advances made under the provisions of this Act, the Board may require the Native to whom it is proposed to make the advance to execute a mortgage of the land in respect of which the advance has been made (hereinafter referred to as the said land) or of his interest therein, including a leasehold interest, and in addition may require such Native to execute a mortgage of other lands owned by him or in which he has an interest:

Board may take mortgages of land and chattels as security.

Provided that where the said land or such other lands are owned by other persons, either jointly or in common with the Native receiving the advance, no such mortgage shall prejudice or affect the interests of such other owners except in so far as they consent thereto.

(2) The Board may also require the Native to whom or on whose behalf it is proposed to make any such advance to give such securities over his stock, chattels, machinery, implements, or other assets as it may deem expedient.

(3) All such mortgages, chattels, and other securities shall be taken in the name of His Majesty the King.

Rate of interest
on advances.

10. The rate of interest to be charged upon advances made under the provisions of this Act shall be such as the Board may determine, but not in excess of the current rate fixed by the Mortgage Corporation of New Zealand in respect of loans granted by it.

Borrowers to
conform to the
directions of
the Board.

11. All persons to whom or on whose behalf advances have been made under the provisions of this Act shall in all respects conform to the directions of the Board or its officers in all matters pertaining to the cost, nature, and dimensions of the dwelling proposed to be erected or improved, the approval of plans and specifications therefor, the tender or price for the erection or improvement thereof to be accepted, the application of the moneys to be advanced, the supervision of the erection or improvement, and generally as to all other matters incidental to the erection or improvement of a dwellinghouse and its conveniences and appurtenances, including fencing.

Board to have
powers of
inspection and
supervision.

12. While any moneys remain owing by the person or persons to whom advances have been made under the provisions of this Act the Board shall have all necessary powers of inspection, supervision, and control of the occupation, user, maintenance, and repair of any dwelling upon the erection, repair, or improvement of which any moneys so advanced have been expended, and such person or persons shall in all respects conform to the directions of the Board in that behalf.

Further
advances to be
included in the
security.

13. The Board may from time to time make further advances for the purpose of altering, enlarging, repairing, rebuilding, or otherwise improving a dwelling or of the appurtenances and conveniences attached thereto, or for the improvement of the land upon which the dwelling is situate or otherwise for the purpose of improving such dwelling, and any such further advance shall be a debt due to the Crown, and shall form part of the moneys for the time being owing in respect of such dwelling, and be deemed to be included in the mortgage

or other security for the time being securing the repayment thereof, and to bear interest accordingly.

14. For the purposes of this Act the Governor-General may from time to time make regulations, not inconsistent with this Act, for any of the following purposes, namely:—

Regulations.

- (a) Prescribing the conditions upon which advances under the foregoing provisions of this Act may be granted:
- (b) Prescribing rules for the direction, supervision, and control of the erection or alteration of dwellings and buildings in respect of which advances are made under this Act:
- (c) Providing for the inspection, management, and control by the Board of any such dwellings:
- (d) Prescribing the fees to be payable in respect of applications for advances under this Act:
- (e) Providing for the appointment of agents for the collection of moneys payable to the Crown under this Act:
- (f) Prescribing the terms of repayment of moneys advanced under this Act, including tables for the payment of principal and interest:
- (g) Prescribing any other matters that may be deemed necessary for the purpose of giving effect to this Act.

15. (1) The Board shall, in April of each year, cause to be prepared, for the financial year ending on the thirty-first day of March preceding, a statement showing—

Annual statement of accounts.

- (a) The moneys advanced to Natives for the erection or repair of dwellings, the repayments made, and the principal sums and interest then owing for the year;
- (b) A revenue account and a balance-sheet for that year; and
- (c) Such other particulars as may from time to time be prescribed in that behalf.

(2) The Board shall send such statement to the Native Minister, by whom it shall forthwith be laid before Parliament if sitting, or if not, then within fourteen days after the commencement of the next ensuing session.