



## ANALYSIS

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1977, No. 57

**An Act to amend the Rent Appeal Act 1973**

[25 November 1977]

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 and commencement**—(1) This Act may be cited as the Rent Appeal Amendment Act 1977, and shall be read together with and deemed part of the Rent Appeal Act 1973 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 1st day of February 1978.

**2. Administration of Act**—(1) The principal Act is hereby amended by repealing section 32, and substituting the following section:

“32. This Act shall be administered by the Housing Corporation of New Zealand.”

(2) Section 2 (1) of the principal Act is hereby amended by inserting, after the definition of the term “dwellinghouse”, the following definition:

“‘Housing Corporation’ means the Housing Corporation of New Zealand; and ‘Director-General’ means the Director-General of that Corporation:”.

(3) The said section 2 (1) is hereby further amended by repealing the definition of the term “Minister”, and substituting the following definition:

“‘Minister’ means the Minister of Housing:”.

- (4) The principal Act is hereby further amended—
- (a) By omitting from section 7 the words “Department of Labour”, and substituting the words “Housing Corporation”:
  - (b) By omitting from clause 1 of the Second Schedule the words “Secretary of Labour”, and substituting the words “Director-General”:
  - (c) By omitting from that clause the words “Department of Labour”, and substituting the words “Housing Corporation”:
  - (d) By omitting from clause 2 of that Schedule the words “Department of Labour”, and substituting the words “Housing Corporation”.
- (5) The Labour Department Act 1954 is hereby amended by omitting from the First Schedule (as substituted by section 3 (1) of the Labour Department Amendment Act 1970 and amended by section 32 (2) of the principal Act) the words “The Rent Appeal Act 1973”.

**3. Secretarial and other services—**(1) Section 4 (6) of the principal Act is hereby amended by omitting the words “Department of Labour”, and substituting the words “Housing Corporation”.

(2) Section 4 of the principal Act is hereby further amended by inserting, after subsection (6), the following subsection:  
“(6A) The Director-General shall be the secretary of every Board, but he may from time to time delegate his functions and powers as secretary of any Board to any other officer of the Housing Corporation.”

**4. Board may make assessment by consent—**The principal Act is hereby amended by inserting, after section 6, the following section:

“6A. (1) Notwithstanding anything in section 6 of this Act, the Board may, in accordance with the succeeding provisions of this section, make an assessment fixing the equitable rent of any premises by consent.

“(2) Where any application is made to any Board for an assessment fixing the equitable rent of any premises, the Director-General may, with the consent of the applicant, make a preliminary assessment of the equitable rent of those premises in accordance with section 8 of this Act.

“(3) When the Director-General has made such a preliminary assessment, he shall give a copy of it to the applicant and to the respondent.

“(4) If both parties agree with the preliminary assessment, they may signify their consent in writing, and the Director-General shall thereupon refer the matter to the Board.

“(5) In any such case, the Board may at its discretion, without further inquiry, make an assessment fixing the equitable rent of the premises at the amount specified in the Director-General’s preliminary assessment, and the provisions of this Act shall apply as if the Board had made its assessment under section 6 of this Act.”

**5. Procedural provisions—**(1) The Second Schedule to the principal Act is hereby amended by inserting, after clause 1, the following clause:

“1A. Every application shall be accompanied by the prescribed fee.”

(2) The said Second Schedule is hereby further amended by adding to clause 8, as subclause (2), the following subclause:

“(2) Without limiting subclause (1) of this clause, the written assessment shall state—

“(a) The value of the premises as a dwellinghouse:

“(b) The existing rent (if any):

“(c) The amount assessed by the Board as a proper return to the landlord.”

(3) The said Second Schedule is hereby further amended by adding to clause 9, as subclause (2), the following subclause:

“(2) Notwithstanding anything in subclause (1) of this clause, the Board may in any case order the respondent to reimburse to the applicant the whole or any part of the application fee.”

(4) The said Second Schedule is hereby further amended by adding to clause 10 the words “, or that the application has not been proceeded with expeditiously”.

(5) The said Second Schedule is hereby further amended by adding the following clause:

**“11. Applicant may withdraw application—**Any application under section 6 of this Act may be withdrawn by the applicant at any time before the application is determined by the Board.”