

# HOUSING BILL

---

## EXPLANATORY NOTE

THIS Bill consolidates and amends the legislation relating to State housing contained in the Housing Act 1919 and the eighteen amendments thereto. These Acts have been passed at different times to meet current circumstances, and do not now stand together very harmoniously. It has therefore been necessary to redraft many of the existing provisions, especially those contained in the earlier enactments. Attention is drawn in this note to material changes made by the Bill.

The Bill is arranged in Parts, as follows:

Part I—State Houses:

Part II—Accounts and Miscellaneous.

Marginal notes alongside each clause of the Bill show the existing provisions. Tables of comparison are included in this note and show where the existing legislation appears in the Bill.

*Clauses 1 and 2* relate to the Short Title and interpretation of the Bill. The definitions of the terms "Minister", "dwelling", and "State housing purposes" are new.

### PART I

#### STATE HOUSES

*Clause 3* provides that the Minister may from time to time determine either generally or in any particular case what land or classes of land may be acquired for State housing purposes and the general scheme of development thereof, the number and classes of dwellings and ancillary commercial buildings to be constructed, and any other matters of State housing policy.

*Clause 4* provides that Crown land may be set apart for State housing purposes.

*Clauses 5 and 6* provide that land may be taken under the Public Works Act 1928 or purchased for State housing purposes.

*Clause 7* provides that all land, dwellings, buildings, and chattels acquired as aforesaid for State housing purposes shall be acquired in the name and on behalf of the Crown.

*Clause 8* is new and provides for the development of land which is set apart for State housing purposes.

*Clause 9* provides for the erection, demolition, or repair of dwellings and other buildings on State housing land.

*Clause 10* provides that access ways and service lanes may be constructed in accordance with the Public Works Amendment Act 1948 without express authority from the local authority. Much of the existing section has been dropped in view of the application of the general provisions of the Public Works Amendment Act 1948 relating to access ways and service lanes.

*Clause 11* provides that the Governor-General, by Order in Council, may vest any street, access way, or service lane constructed within a borough or town district pursuant to Part I of the Bill in the Corporation of the borough or town district; and may vest the control of any road, access way, or service lane constructed outside a borough or town district pursuant to Part I of the Bill in the local authority having control of roads in the district. The corresponding present provisions apply only to access ways and service lanes. The clause also repeats an existing provision which authorizes local authorities to consent under section 29 of the Public Works Amendment Act 1948 to the proclaiming of streets of a width of less than 66 ft. but not less than 40 ft. in connection with State housing schemes.

*Clause 12* provides that the Board of Management of the State Advances Corporation or the Minister may, by notice registered against the title to any State housing land, or land subject to an agreement or licence under *clause 16* or *clause 17* of the Bill, impose a building line restriction which will be binding on future owners of the land. This is a new provision.

*Clause 13* makes minor amendments to section 228 of the Municipal Corporations Act 1954 in connection with the procedure for declaring drains constructed in connection with State housing schemes to be public drains. The clause also makes minor amendments to section 167 of the Land Act 1948 in connection with the procedure for setting apart State housing land as reserves.

*Clause 14* is new and empowers the Board to hold and dispose of shares in companies formed to erect flats.

*Clause 15* provides that State housing land may be disposed of by way of sale, lease, or tenancy.

*Clause 16* provides that, subject to any direction of the Minister, State housing land may be sold for cash or under an agreement for sale in such manner, at such price, and on such terms and conditions as the Board of Management of the State Advances Corporation thinks fit. Express authority is given to the Board to allow discounts for early payment of the selling price; to remit any unpaid balance of the selling price if the purchaser, or a specified wage earner of the purchaser's household, dies before attaining a specified age and a premium payment has been made; to impose conditions in respect of resale and personal residence; and to allow a reduced rate of interest and remit part of the selling price where the conditions of sale are complied with. This clause and *clause 17* follow existing provisions, except that they have been extended to all State housing land whereas the existing provisions are confined to cases where there is a dwelling.

*Clause 17* provides that where title cannot be given in the normal way on account of survey difficulties or roads not having been formed the purchaser may be granted a licence to occupy.

*Clause 18* provides machinery for the registration under the Land Transfer Act 1952 of the said agreements and licences and variations thereof, notwithstanding that any plans required under that Act have not been deposited.

*Clause 19* is wider in its terms than the existing legislation and provides that, subject to any direction of the Minister, any lease or tenancy of State housing land may be on such terms, at such rent, and otherwise as the lessor thinks fit. Leases and tenancies must be in writing, and section 44 of the Tenancy Act 1955 is not to apply in respect of State housing land. Tenants of State houses are deemed not to

be occupiers for the purposes of the Rating Act 1925. This makes it clear that the tenants cannot be entered on the roll for the purpose of obtaining a vote on a loan poll or a poll affecting rates, but does not affect the position as regards the payment of rates by the Crown on State housing land.

*Clause 20* is new and authorizes the Board to adjust State house rents by making an assessment fixing the rent payable in respect of a State house and the date on which it becomes payable in the same way as a Rents Officer can make a like assessment fixing the fair rent of any other dwellinghouse under *clause 23* of the Tenancy Bill. The rent so assessed may exceed the basic rent, but not the fair rent. A copy of the assessment must be served, and the tenant is given opportunity to apply to a Magistrate's Court to have the fair rent fixed. If he fails to do so the assessed rent becomes payable on the day fixed. All other rights of the tenant under the Tenancy Bill are preserved. The clause also provides that conditions against the termination of any tenancy which may be contained in any agreement or inferred from section 14 of the Finance Act (No. 3) 1943 are not to prevent the Board from varying the rent payable in respect of the tenancy. That section is repealed. The clause is to come into force on 1 January 1958.

*Clause 21* is new and provides that the Board of Management of the State Advances Corporation may require any applicant for the purchase, lease, or tenancy of a State house, or the wife or husband of any applicant, to furnish information as to his or her means and circumstances, and to verify the information by a statutory declaration. Where false information is furnished, the sale, lease, or tenancy may be terminated and possession of the land may be recovered notwithstanding anything in the Tenancy Act 1955.

*Clause 22* is new and provides that the acceptance of money after the giving of notice rescinding an agreement for sale shall not of itself constitute evidence of a new agreement or operate as a waiver of the notice.

*Clause 23* is new and provides that where the Board lawfully rescinds any agreement for sale, the purchaser and all persons claiming through him (except persons claiming by virtue of an instrument approved by the Board) shall forthwith yield up possession of the property. A certificate from a Branch Manager of the Corporation is to be *prima facie* evidence as to value, as to whether the land is State housing land, and as to whether there is any lease or tenancy in writing.

*Clause 24* authorizes the Board to grant any easement, right of way, right of occupation, or any other right or privilege or concession in, upon, over, or under any land set apart for State housing purposes.

*Clause 25* authorizes the State Advances Corporation to issue three classes of easement certificates, namely, pipe line certificates, right of way certificates, and party wall certificates.

*Clause 26* provides that the Corporation may issue a pipe line certificate in any case where a pipe line which passes over or through several parcels of land has been constructed on land all or part of which was acquired by the Crown for State housing purposes and one or more of the parcels of land is thereafter sold.

*Subclause 26 (2)* is new and enables the Corporation to issue a pipe line certificate in any case where a section of the pipe line referred to in the certificate has been or is to be constructed over or through land that at the time of the registration of the certificate was not State housing land, if—

- (a) The consent of the owner of that land and of every person having a registered interest therein is endorsed on the certificate in a manner satisfactory to the District Land Registrar or the Registrar of Deeds; or

(b) The right to construct the pipe line was reserved at the time of the disposal of the land by the Crown; or

(c) The pipe line was constructed on the land while it belonged to the Crown.

The clause specifies the form of the certificate; and provides that, while the certificate is registered against the titles to the land, the owners for the time being of the several parcels of land specified in the certificate are to have the right to use the pipe line and to enter on the land and do all work necessary to keep the pipe line in repair. There is to be a right of contribution between the owners of the land served by the pipe line towards the cost of keeping it in repair.

Clause 27 provides that the Corporation may issue a right of way certificate in any case where a right of way exists for the benefit of several sections acquired by the Crown for State housing purposes and, after the right of way came into existence, one or more of the sections has been sold. The clause specifies the form of the certificate, and provides that, while the certificate is registered against the titles to the land, the owners for the time being of the several parcels of land are to have the rights and obligations normal in such cases, including an obligation to contribute to the cost of the maintenance of the right of way.

Clause 28 contains similar provisions governing the issue and registration of easement certificates in connection with the party walls in multiple unit State houses where one or more of the units are sold. The ordinary rights and obligations between the adjoining owners are to be inferred.

Clause 29 makes provision for the registration of easement certificates and for the variation and cancellation of the certificates after they have been registered.

Clause 30 provides that for the first twelve years an easement certificate is to be *prima facie* evidence of the fact that the requirements of the Bill have been complied with, and thereafter it is to be conclusive evidence thereof.

#### ACCOUNTS AND MISCELLANEOUS

The accounting provisions contained in *clauses 31 to 34* are new.

Clause 31 abolishes the Housing Account. This account has not been used for several years, and there is no money in the account.

Clause 32 specifies the payments to be made to the State Advances Corporation for the purposes of the Bill, and the purposes for which the money so received by the Corporation may be expended.

Clause 33 provides that the Board is to pay money received by the State Advances Corporation and not required for the purposes specified in *clause 32* into the Loans Redemption Account.

Clause 34 provides for the preparation of an annual report and accounts in respect of operations under the Bill. The report and accounts are to be laid before Parliament in the usual manner.

Clause 35 exempts documents executed for the purposes of Part I of the Bill from stamp duty.

Clause 36 specifies the manner in which documents required for the purposes of the Bill are to be executed.

Clause 37 amplifies the existing provisions which impose restrictions on the registration of instruments relating to State houses where the instruments are executed within seven years after the date of the purchase of the houses from the Crown.

*Clause 38* repeats existing legislation under which certain restrictions entered on the titles to dwellings under earlier legislation may be cancelled on the application of the owners concerned.

*Clause 39* provides that in respect of the exercise of its functions under the Bill the Corporation shall be deemed to be the agent of the Crown.

*Clause 40* gives wide power to make regulations for giving effect to the provisions of the Bill, including regulations empowering the Crown to acquire or construct dwellings for employees of Rabbit Boards.

*Clauses 41 and 42 and the Schedule* make provision for consequential amendments, repeals, and savings.

#### TABLE OF CORRESPONDING SECTIONS OF ENACTMENTS REPEALED

##### THE HOUSING ACT 1919 (REPRINT OF STATUTES, VOL. III, P. 798)

Section of Act	Clause of Bill	Section of Act	Clause of Bill
1	1	27	*
2	2	28	31
3-8	*	29	32
9	4	30	*
10	6	31	35
11	9	32	36
12	15	33	36 (5)
13-17	*	34	40
18-19	.....	35	34
20-22	*	36	42
23	.....	37-49	.....
24	19	50-56	*
25	15	57	.....
26	.....		

##### THE HOUSING AMENDMENT ACT 1920 (REPRINT OF STATUTES, VOL. III, P. 814)

Section of Act	Clause of Bill	Section of Act	Clause of Bill
1	1	10-13	.....
2	6	14, 15	*
3	19	16	.....
4, 5	*	17	*
6, 7	.....	18-21	.....
8	32	22	*
9	*		

##### THE HOUSING AMENDMENT ACT 1921-22 (REPRINT OF STATUTES, VOL. III, P. 818)

Section of Act	Clause of Bill	Section of Act	Clause of Bill
1	1	6-10	.....
2, 3	*		
4	16 (2) (d)		
5	21		

\*Previously repealed.

## THE HOUSING AMENDMENT ACT 1925 (REPRINT OF STATUTES, VOL. III, P. 820)

Section of Act	Clause of Bill
1	1
2	38

## THE STATE ADVANCES CORPORATION ACT 1936, No. 12

Section of Act	Clause of Bill	Section of Act	Clause of Bill
15, 16	.....	21	7
17, 18	31	22	37
19	32 (2) (d)		
20	*		

## THE STATUTES AMENDMENT ACT 1936, No. 58

Section of Act	Clause of Bill
32	5

## THE STATE ADVANCES CORPORATION AMENDMENT ACT 1937, No. 20

Section of Act	Clause of Bill
4	.....
5	9
6	19
7	.....

## THE HOUSING AMENDMENT ACT 1940, No. 14

Section of Act	Clause of Bill	Section of Act	Clause of Bill
1	1	8	*
2	2	9	24
3	32	10	36
4	4-6	11	39
5	11 (3)	12	*
6	11	13	.....
7	.....		

## THE FINANCE ACT (No. 3) 1943, No. 15

Section of Act	Clause of Bill
14	.....

## THE FINANCE ACT (No. 2) 1946, No. 41

Section of Act	Clause of Bill
11	35
33	.....

## THE STATUTES AMENDMENT ACT 1947, No. 60

Section of Act	Clause of Bill
23	36

\*Previously repealed.

## THE FINANCE ACT 1950, No. 93

Section of Act		Clause of Bill
22	.....	1
23	.....	16
24	.....	17
25	.....	18
26	.....	36
27	.....	.....

## THE FINANCE ACT (No. 2) 1953, No. 115

Section of Act		Clause of Bill
13	.....	1
14	.....	2
15	.....	25
16	.....	26
17	.....	27
18	.....	28
19	.....	29

---

---

*Hon. Mr Sullivan*

## HOUSING

### ANALYSIS

- Title.  
1. Short Title.  
2. Interpretation.

#### PART I

##### STATE HOUSES

3. Powers of Minister in relation to State housing.
4. Crown land may be set apart for State housing purposes.
5. Power to take land for State housing purposes.
6. Power to purchase land, dwellings, etc., for State housing purposes.
7. Land, etc., to be acquired in name of Crown.
8. Development of State housing land.
9. Power to erect and repair dwellings.
10. Access ways and service lanes.
11. Vesting of roads, streets, etc.
12. Building line restrictions.
13. Procedure for declaring certain drains to be public drains, and for setting apart State housing land as a reserve.

14. Power to hold and dispose of shares in company formed to erect flats.

##### *Disposal of State Housing Land*

15. Disposal of State housing land by sale or lease.
16. Sale of State housing land.
17. Licences to occupy.
18. Registration of agreements and licences.
19. Leases and tenancies.
20. Power to adjust rents.
21. Power of Board to require information, and to terminate sales and leases where false information is furnished.
22. Acceptance of money after giving of notice rescinding agreement for sale.
23. Recovery of possession of land.

##### *Easements*

24. Power to grant easements, etc.
25. Corporation may issue easement certificates.
26. Pipe line certificates.
27. Right of way certificates.
28. Party wall certificates.
29. Registration of easement certificates.
30. Easement certificate to be evidence of compliance with Act.

PART II	
ACCOUNTS AND MISCELLANEOUS	
<i>Accounts</i>	
31. Abolition of Housing Account.	36. Execution of documents.
32. Payments to be made to and by the Corporation.	37. Restrictions on registration of instruments executed within seven years after purchase.
33. Board to pay money not required for housing purposes to Loans Redemption Account.	38. Cancellation of restrictions imposed under former legislation on freehold titles in respect of dwellings.
34. Annual report.	39. Corporation agent of the Crown.
<i>Miscellaneous</i>	40. Regulations.
35. Stamp duty.	41. Consequential amendments.
	42. Repeals and savings. Schedules.

### A BILL INTITULED

Title.	AN ACT to consolidate and amend the Housing Act 1919 and certain other enactments of the General Assembly relating to State housing.	
	BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:	5
Short Title.	1. This Act may be cited as the Housing Act 1955.	
Interpretation.	2. (1) In this Act, unless the context otherwise requires,—	10
1919, No. 32, s. 2	“Board” means the Board of Management of the Corporation:	
(Reprint of Statutes, Vol. III, p. 798)	“Corporation” means the State Advances Corporation of New Zealand:	
1940, No. 14, s. 2	“Dwelling” means any building or part of a building that is suitable for residential accommodation of any kind; and includes every garage, shed, and other building used in connection therewith; but does not include the land appurtenant to a dwelling:	15
1953, No. 115, s. 14	“Local authority” means a Borough Council, Town Council, County Council, or Road Board:	20
	“Minister” means the Minister of Housing:	
	“Owner”, in relation to any land in respect of which there is registered an easement certificate issued under section <i>twenty-five</i> of this Act, means the person (including the Crown) for the time being entitled to the rack rent thereof or who would be so entitled if the land were let at a rack rent; and does not include the Crown in any case where any agreement for sale or licence to occupy under section <i>sixteen</i> or section <i>seventeen</i> of this Act is for the time being in force in respect of the land:	25 30

“Pipe line” means any system of pipes for the passage or disposal of water or storm water or sewage; and includes a septic tank system and a communal water supply system:

5 “State housing land” means land that is for the time being held or set apart for State housing purposes; and includes land that at any material date was held or set apart for the purposes of Part I of the Housing Act 1919:

10 “State housing purposes” means the erection, acquisition, or holding of dwellings and ancillary commercial buildings by the Crown under this Act for disposal by way of sale, lease, or tenancy; and includes the acquisition of land by the Crown—

15 (a) As sites for dwellings and ancillary commercial buildings:

(b) For schemes of development and subdivision into sites for dwellings:

20 (c) For motorways, roads, streets, access ways, service lanes, reserves, pumping stations, drainage and water works, river and flood protection works, and other works upon or for the benefit of the land so acquired or the occupiers thereof:

25 “Acquisition” or “acquire”, in relation to any land, includes the taking or setting apart of the land under the Public Works Act 1928, and its vesting pursuant to any Act, and its purchase, leasing, or acquisition in any other manner whatsoever:

30 Reference to any motorway, road, street, access way, or service lane shall be deemed to include every carriage way, cycle track, bridge, culvert, kerb, drain, channel, footway, crossing, fence, barricade, entrance thereto, exit therefrom, or other thing belonging thereto, or lying upon the line or within the limits of the land having that status.

35 (2) While an agreement for sale under section *sixteen* of this Act remains in force in respect of any land, the land shall be deemed not to be State housing land. If any  
40 such agreement is rescinded, the land (if then belonging to the Crown) shall thereupon be deemed to be State housing land.

See Reprint  
of Statutes,  
Vol. III, p. 798

See Reprint of  
Statutes, Vol.  
VII, p. 622

## PART I

## STATE HOUSES

Powers of  
Minister in  
relation to  
State housing.

3. The Minister may from time to time determine either generally or in any particular case what land or classes of land may be acquired for State housing purposes and the general scheme of development thereof, the number and classes of dwellings and ancillary commercial buildings to be constructed, and any other matters of State housing policy. 5

Crown land  
may be set  
apart for State  
housing  
purposes.

4. (1) The Minister of Lands may from time to time, by notice in the *Gazette*, set apart as State housing land any Crown land within the meaning of the Land Act 1948. 10

1919, No. 32,  
s. 9

1948, No. 64

See Reprint  
of Statutes,  
Vol. III, p. 798

(2) All land which immediately before the commencement of this Act was held or set apart for the purposes of Part I of the Housing Act 1919 shall be deemed to be State housing land at the commencement of this Act. 15

Power to take  
land for State  
housing  
purposes.

1936, No. 58,  
s. 32

See Reprint of  
Statutes, Vol.  
VII, p. 622

5. The Governor-General may take under the Public Works Act 1928 any land required for State housing purposes: 20

Provided that no Maori land shall be taken for State housing purposes without the consent of the Minister of Maori Affairs.

Power to  
purchase land,  
dwellings, etc.,  
for State  
housing  
purposes.

1919, No. 32,  
s. 10

1920, No. 49,  
s. 2

1943, No. 3.  
s. 2 (4)

6. (1) There may from time to time be purchased or taken on lease, out of money appropriated by Parliament for the purpose or (subject to any direction of the Minister) out of money received by the Corporation under subsection *one* of section *thirty-two* of this Act, such land, dwellings, buildings, and chattels as may be required for State housing purposes. 25 30

(2) Any lease which is taken as aforesaid may be for such term of years, at such rent, and on such terms and conditions as to payment of rent, renewals, compensation for improvements, purchase of outstanding interests of the lessor, and other matters, as may be determined by the Minister or by the Board subject to his direction. 35

7. All land, dwellings, buildings, and chattels acquired as aforesaid for State housing purposes shall be acquired in the name and on behalf of the Crown.

Land, etc., to be acquired in name of Crown.  
1936, No. 12,  
s. 21

8. The cost of doing all or any of the following may be paid or contributed to out of money appropriated by Parliament for the purpose, namely:

Development of State housing land.

(a) Surveying and subdividing any State housing land:

(b) Developing any State housing land as sites for all types of buildings which are desirable for the general residential development of the area:

(c) Laying out and constructing works upon or for the benefit of any State housing land or the occupiers thereof, including motorways, roads, streets, access ways, service lanes, reserves, pumping stations, drainage and water works, and river and flood protection works.

9. (1) The Minister, from time to time out of money appropriated by Parliament for the purpose, may cause dwellings and ancillary commercial buildings to be erected for State housing purposes on any State housing land, and may cause any dwelling or building on any such land to be demolished or rebuilt.

Power to erect and repair dwellings.  
1919, No. 32,  
s. 11  
1943, No. 3  
s. 2 (4)

(2) The Minister or the Board may from time to time alter, enlarge, repair, or otherwise improve any dwelling or building on any State housing land.

10. (1) Where the Minister desires that any access way or service lane be laid out or constructed in a borough or town district pursuant to this Part of this Act, it shall not be necessary for the laying out and construction of the access way or service lane to be authorized by the Borough Council or Town Council under section four of the Public Works Amendment Act 1948.

Access ways and service lanes.  
1940, No. 14,  
s. 6

(2) Where any Order in Council is made under section eleven of this Act in respect of any access way or service lane, the access way or service lane shall be deemed to be declared to be an access way or service lane, as the case may be, under section three of the Public Works Amendment Act 1948.

1948, No. 39

1948, No. 39

(3) Subject to the provisions of this section, Part I of the Public Works Amendment Act 1948 shall apply to every access way and service lane laid out or constructed under this Part of this Act.

(4) The Public Works Amendment Act 1948 is hereby amended— 5

(a) By omitting from the definition of the term “access way” in subsection one of section two the words “except the Housing Amendment Act 1940”:

(b) By repealing subsection three of section two. 10

1953, No. 93

(5) Section eleven of the Land Subdivision in Counties Amendment Act 1953 is hereby consequentially amended by repealing paragraph (b) of subsection five.

Vesting of  
roads, streets,  
etc.

1940, No. 14,  
ss. 5, 6

11. (1) The Governor-General may, by Order in Council published in the *Gazette*, declare that any street, access way, or service lane laid out or constructed under this Part of this Act within a borough or town district shall be vested in the Corporation of the borough or town district and be under the control and management of the Council of the borough or town district, and thereupon the street, access way, or service lane, and the soil thereof, and all materials of which it is composed, shall be deemed to be vested in that Corporation in fee simple, and the Council shall have the control and management of the street, access way, or service lane, and shall have power to alter, maintain, and repair it in accordance with this section. 15 20 25

(2) The Governor-General may, by Order in Council published in the *Gazette*, declare that any road, access way, or service lane laid out or constructed under this Part of this Act in any district not being a borough or town district shall be under the control and management of the local authority having control of roads in the district, and thereupon that local authority shall have the control and management of the road, access way, or service lane accordingly, and shall have power to alter, maintain, and repair it in accordance with this section; but the road, access way, or service lane and the soil thereof, and all materials of which it is composed shall continue to be vested in the Crown. 30 35 40

(3) Subject to the provisions of the Town and Country Planning Act 1953, but notwithstanding anything to the contrary in the Public Works Act 1928, the Municipal Corporations Act 1954, or any other Act, it shall be lawful

1953, No. 91

See Reprint  
of Statutes,  
Vol. VII,  
p. 622

1954, No. 76

5 for any local authority to consent under section twenty-nine of the Public Works Amendment Act 1948 to the  
10 proclaiming of any land as a street of a width less than sixty-six feet but not less than forty feet if the land is State housing land or if the street is required to provide  
15 access to any State housing land or land subject to an agreement for sale or licence to occupy under section  
20 sixteen or section seventeen of this Act.

(4) Where any Order in Council under this section relates to the whole or any part of the land comprised  
15 in any certificate of title, a copy of the Order in Council shall be registered without fee in the District Land Registry Office; and, in the case of an Order in Council under  
20 subsection one of this section, the certificate of title shall be cancelled wholly or so far as it relates to that part of the land, as the case may require.

12. (1) The Board or the Minister may from time to time, by notice registered in accordance with this section  
25 against the title of the land intended to be affected, impose on any State housing land, or (where an agreement with the purchaser of the land so permits) on any land  
30 which is the subject of an agreement for sale or licence to occupy under section sixteen or section seventeen of this Act that is for the time being in force, a building line restriction restricting the use of that part of the land  
35 adjoining any road or street by prohibiting the erection thereon of any building—

Building line  
restrictions.

(a) Within a specified distance from one of the side lines of the road or street or from the middle line of the road or street; or

35 (b) Between a specified line and one of the side lines of the road or street.

(2) Any such building line restriction may at any time, by like notice so registered, be revoked or amended by the Board or by the Minister:

40 Provided that, if a building line restriction is amended under this subsection so as to make it more onerous in respect of any land which is not for the time being State

See Reprint  
of Statutes,  
Vol. VII, p. 622

housing land without agreement of the owner of the land, the amendment shall, to the extent to which the restriction is made more onerous, be deemed to be the establishment of a public work affecting the land and the provisions of Part III of the Public Works Act 1928 shall apply accordingly: 5

Provided also that in assessing any compensation the Land Valuation Court shall take into consideration the necessity for or advantage of amending the building line restriction, and the betterment accruing to the whole of the property of the owner so affected, and any such betterment shall be a set off against the compensation claimed. 10

(3) Any such notice may be signed by the Board or the Minister or by an employee in the Government service authorized by the Board or the Minister, and shall describe the building line restriction and be accompanied by or refer to a plan which is available for inspection at the office of the District Land Registrar for the district where the land is situated and which indicates approximately the land that is subject to the restriction. In any case where the notice relates to an agreement for sale under section *sixteen* of this Act, it shall not be necessary for the District Land Registrar to inquire whether an agreement with the purchaser of the land is in force and permits the imposition of the building line restriction. 15 20 25

(4) Upon any such notice imposing, revoking, or amending any building line restriction (together with a registration fee of one pound) being lodged with the District Land Registrar or Registrar of Deeds for the district in which the land is situated, he shall deposit the notice in his office and register it against the title to all land indicated in the notice as affected thereby. 30

(5) While any notice imposing a building line restriction remains registered as aforesaid, the restriction shall be deemed to be imposed by an Order in Council for the purposes of the following enactments, which shall apply accordingly: 35

See Reprint of  
Statutes, Vol.  
VII, p. 622  
1948, No. 39

(a) Subsection three c of section one hundred and twenty-eight of the Public Works Act 1928 (as set out in section twenty-five of the Public Works Amendment Act 1948): 40

(b) Section one hundred and thirty-two of the Public Works Act 1928.

(6) While any notice imposing a building line restriction remains registered as aforesaid, the building line restriction shall be deemed to be a registered encumbrance for the purposes of subsection *nine* of section *eighteen* of this Act, and the provisions of that subsection shall apply accordingly.

See Reprint of Statutes, Vol. VII, p. 622.

(7) For the purposes of this section the terms "road" and "street" include a proposed road or street, as the case may be, and also include any land which in the opinion of the Board may be used for the purposes of a road or street.

13. (1) Subsection two of section two hundred and twenty-eight of the Municipal Corporations Act 1954 is hereby amended by omitting the words "by the Minister of Works or by the Board of Management of the State Advances Corporation of New Zealand for the purposes of Part I of the Housing Act 1919", and substituting the words "for State housing purposes under the Housing Act 1955".

Procedure for declaring certain drains to be public drains, and for setting apart State housing land as a reserve.  
1954, No. 76

(2) Subsection one A of section one hundred and sixty-seven of the Land Act 1948, as set out in subsection two of section two of the Land Amendment Act 1954, is hereby amended by omitting the words "Minister of Works, any land set apart for the purposes of Part I of the Housing Act 1919", and substituting the words "Minister of Housing, any land held for State housing purposes under the Housing Act 1955".

1948, No. 64  
1954, No. 37

14. The Board may from time to time, upon such terms as it thinks fit, acquire, hold, and dispose of shares and other rights in any company or organization formed with the object of acquiring State housing land for the purpose of erecting thereon living accommodation comprising two or more separate flats or apartments or with the object of purchasing State housing land on which such living accommodation has been erected.

Power to hold and dispose of shares in company formed to erect flats.

*Disposal of State Housing Land*

15. Subject as hereafter provided in this Act, any State housing land and any buildings or chattels held for State housing purposes may be disposed of by way of sale, lease, or tenancy by the Board.

Disposal of State housing land by sale or lease.  
1919, No. 32, ss. 12, 25  
1937, No. 20, s. 6

Sale of State  
housing land.  
1950, No. 93,  
s. 23

16. (1) Subject to any direction of the Minister, any State housing land may be sold for cash or under an agreement for sale in such manner, at such price, and on such terms and conditions as the Board thinks fit.

(2) Without limiting the power of the Board to fix the selling price or the terms and conditions of sale in connection with any such sale, it is hereby declared that the Board may—

(a) Allow discount at such rate as it thinks fit on any money so paid in excess of a minimum deposit, and on any principal money paid in respect of the selling price in excess of the payments of principal for the time being due in respect of the sale: 10

(b) Allow the remission of the whole or any part of the unpaid balance of the selling price on the death of the purchaser or of any other specified person whom the Board considers to be the wage earner of the purchaser's household before the purchaser or specified person attains an age to be fixed by the Board in consideration of a payment of such amount, or of an increase of the selling price by such amount, as the Board may determine: 15 20

(c) Make the sale conditional on the land not being sold within a specified period fixed by the Board without the land being offered to the Crown at a price to be agreed upon or determined by arbitration: 25

(d) Make the sale conditional on the purchaser remaining the sole owner of the land for a specified period fixed by the Board, and on the purchaser residing and making his home in a dwelling erected on the land and not parting with the possession of it during that period; and may permit these conditions to be fulfilled, in the event of the purchaser's death, by a specified member of the purchaser's household approved by the Board either at the time of sale or subsequently: 30 35 40

(e) Allow a reduction of the rate of interest on the whole or any part of the purchase price, and a remission of interest on such part of the purchase price as the Board thinks fit, while the

terms and conditions of the sale or any specified terms and conditions are being fulfilled:

(f) Allow a remission of part of the purchase price if the terms and conditions of the sale or any specified terms and conditions are complied with for such period as may be fixed by the Board.

17. Where any State housing land has been sold (whether before or after the commencement of this Act) and at the date of the sale the land had a dwelling thereon, then, if after all principal, interest, and other money payable in consequence of the sale have been paid in full the Board is unable to confer on the purchaser a title to the land under the Land Transfer Act 1952 on account of roads not having been dedicated, surveys not having been completed, or any other reason, the Board may issue to the purchaser a licence to occupy the land in such form as the Board thinks fit.

18. (1) Notwithstanding anything to the contrary in the Land Transfer Act 1952, an agreement for sale or a licence to occupy under section *sixteen* or section *seventeen* of this Act may be registered under the Land Transfer Act 1952 by constituting it a folium of the register book; and the same registration fee shall be payable on any such agreement or licence as on a memorandum of lease.

(2) Any such agreement or licence may describe the land comprised therein by reference to the plan thereof held by the Corporation as well as by any other mode of description; and, where a copy of that plan is deposited in the Land Registry Office of the district where the land is situated or a plan of the land is endorsed on the agreement or licence, the District Land Registrar for that district shall register the agreement or licence notwithstanding that a plan of the land has not been deposited as required by the District Land Registrar under section one hundred and sixty-seven of the Land Transfer Act 1952.

(3) Where a plan of the land in any such agreement or licence has not been deposited as required by the District Land Registrar under section one hundred and sixty-seven of the Land Transfer Act 1952, he may, after constituting the agreement or licence a folium of the register book, endorse thereupon the words "Limited as to parcels"; and where a registered agreement or registered licence is so endorsed it shall have the same effect as

Licences to occupy.  
1950, No. 93,  
s. 24  
See Reprint of Statutes,  
Vol. III, p. 798

1952, No. 52

Registration of agreements and licences.  
1950, No. 93,  
s. 25

1952, No. 52

if it were registered against a certificate of title limited as to parcels under Part XII of the Land Transfer Act 1952.

(4) Where a plan is deposited as required by the District Land Registrar under section one hundred and sixty-seven of the Land Transfer Act 1952 in respect of the land comprised in any such agreement or licence which is limited as to parcels, the District Land Registrar shall, if necessary, without payment of any further fee, correct the description of the land by making an appropriate endorsement on the folium of the register book constituted by the agreement or licence and shall endorse that folium to show that the agreement or licence is no longer limited as to parcels.

(5) Where any such agreement or licence has been registered as aforesaid (whether before or after the commencement of this Act), every transfer, mortgage, lease, transmission, and other disposition of the land comprised therein may be registered in the same manner, subject to any modifications prescribed by any regulations made under this section, and subject to the provisions of section *thirty-seven* of this Act, as a similar transfer, mortgage, lease, transmission, or disposition of a registered lease.

(6) The same fee shall be payable on the registration of any transfer, mortgage, lease, transmission, or other disposition of the land comprised in any such agreement or licence, as on the registration of a similar transfer, mortgage, lease, transmission, or other disposition of an estate in fee simple in land.

(7) The covenants, conditions, and restrictions contained or implied in any such agreement or licence registered under this section, and the amount of or allocation of the purchase price or the rate or rates of interest payable thereon, may from time to time be varied by a memorandum of variation thereof signed by the Corporation and the purchaser or licensee for the time being and registered in a form approved by the District Land Registrar. The same registration fee shall be payable on any such memorandum of variation as on a memorandum of extension of a lease. If the land affected by the memorandum of variation is at the time of registration thereof subject to any mortgage, then, except where that mortgage is in favour of the Corporation, the memorandum shall not be binding on the mortgagee unless he has consented thereto in writing upon the memorandum.

(8) Where the Board lawfully rescinds or the purchaser surrenders or partially surrenders any such agreement or licence which has been registered under this section, the Board may send a notice of rescission or surrender to the District Land Registrar, who, without further notice or inquiry and without fee, shall enter a memorial thereof upon the register.

(9) Where the purchaser's estate or interest under any such registered agreement or under any such registered licence is subject to any registered encumbrance, lien, or other interest, the District Land Registrar, before issuing a certificate of title under the Land Transfer Act 1952 in respect of the land, shall make all entries necessary to record on the certificate of title every existing registered encumbrance, lien, and interest, in the order of their registered priority; and the purchaser's estate or interest in the land shall be subject to every such encumbrance, lien, and interest as if it had been created in respect of that estate.

19. (1) Any lease or tenancy granted by the Board of any State housing land may be on such terms, at such rent, and otherwise as the Board (subject to the general direction of the Minister) thinks fit.

Leases and tenancies.  
1919, No. 32,  
s. 24  
1920, No. 49,  
s. 3

(2) Every lease or tenancy granted by the Board shall be in writing, and shall have no effect unless it is in writing.

(3) The provisions of section *forty-four* of the *Tenancy Act 1955* shall not apply in respect of State housing land or dwellings thereon.

(4) Notwithstanding anything to the contrary in the Rating Act 1925 or any other Act, the tenant of a dwelling and the land appurtenant thereto let under this Part of this Act shall be deemed not to be an occupier thereof for the purposes of the Rating Act 1925.

See Reprint of Statutes, Vol. VII, p. 977

20. (1) Notwithstanding anything to the contrary in the *Tenancy Act 1955*, the Board may at any time and from time to time, if in its discretion it thinks fit, make an assessment fixing the rent payable in respect of any dwellinghouse within the meaning of the *Tenancy Act 1955* and the State housing land appurtenant thereto (hereafter in this section referred to as a dwellinghouse), except a dwellinghouse held on a lease or tenancy which is granted for a fixed term exceeding one month at a specified rent payable during that term:

Power to adjust rents.

Provided that this subsection shall apply to a dwelling-house held on any such lease or tenancy after the expiration of the fixed term.

(2) The rent so assessed in respect of any dwelling-house may exceed the basic rent of that dwellinghouse, but shall not exceed what, in the opinion of the Board, would be the fair rent of that dwellinghouse if it were fixed under the provisions of the *Tenancy Act 1955*. 5

(3) Every assessment made under this section shall be in writing signed by any person acting for or on behalf of and under the express or implied authority of the Board, and shall specify a date, being not less than one month after the date of the assessment, on which the assessment will take effect unless before that date an application to a Magistrate's Court to fix the fair rent of the dwellinghouse under the provisions of the *Tenancy Act 1955* is made by or on behalf of the tenant or occupier of the dwellinghouse. 10 15

(4) A copy of every assessment made under this section shall, forthwith after it is made, be served by— 20

- (a) Delivering it to the person or any one of the persons affected by it or to any person appearing to be the occupier of the dwellinghouse; or
- (b) Sending it by post in a registered letter addressed to the person or any one of the persons, whether by name or description, affected by it either at the dwellinghouse or at his last known place of abode or business in New Zealand; and the receipt of the Post Office for a registered letter so addressed shall be conclusive evidence of the service thereof under this paragraph. 25 30

(5) If an application to the Court to fix the fair rent of the dwellinghouse under the provisions of the *Tenancy Act 1955* is not made by or on behalf of the tenant or occupier before the date specified in that behalf in any assessment under this section, or if any such application made before that date is withdrawn or dismissed, the assessment shall take effect on that date and the rent specified therein shall be deemed to be the rent lawfully payable in respect of the dwellinghouse and shall be recoverable from the tenant or occupier accordingly. 35 40

(6) The Board may from time to time vary or at any time cancel any assessment made under this section, and a copy of every such cancellation or variation shall be served as aforesaid:

5 Provided that where the Board desires to vary an assessment to the detriment of the person affected it shall cancel the assessment and make a fresh assessment.

10 (7) No assessment shall be invalid or defective because any person named therein is no longer a tenant or occupier of the dwellinghouse, or is deceased, or because the notice is addressed to the tenant or the occupier without naming him, so long as the dwellinghouse affected by the notice is so described as reasonably to identify it.

15 (8) Except as expressly provided in this section, nothing in this section shall deprive any tenant within the meaning of the *Tenancy Act 1955* of any right, power, privilege, or other benefit to which he may be entitled under that Act.

20 (9) Nothing in section fourteen of the Finance Act 1943, No. 15 (No. 3) shall prevent or be deemed ever to have prevented the Board from varying the rent payable in respect of any lease or tenancy which was in existence while that section was in force.

25 (10) The Board shall not be prevented or be deemed ever to have been prevented from varying the rent payable in respect of any lease or tenancy of State housing land (whether granted before or after the commencement of this Act) by reason only of the fact that there is an express or implied agreement that the lease or tenancy shall not be terminated by the Board except upon the ground that the conditions of the lease or tenancy (whether as to the payment of rent or otherwise) have not been complied with.

35 (11) Section fourteen of the Finance Act (No. 3) 1943 is hereby repealed.

(12) This section shall come into force on the first day of January nineteen hundred and fifty-eight.

40 **21.** (1) The Board may require any applicant for the purchase, lease, or tenancy of any State housing land on which any dwelling or other building is erected, or the wife or husband of that applicant,—

(a) To furnish such information as the Board may specify as to the means and circumstances of the applicant and of the wife or husband of the applicant;

(b) To verify any such information by statutory declaration.

Power of Board to require information, and to terminate sales and leases where false information is furnished.

See Reprint of Statutes, Vol. II, pp. 442, 222

(2) If any such applicant is convicted under section three hundred and two of the Justices of the Peace Act 1927, or under section one hundred and thirty-three of the Crimes Act 1908, of an offence in respect of any statutory declaration made for the purposes of this section, the Board may thereupon terminate any lease or tenancy or rescind any agreement for sale which it has granted to or entered into with the applicant either alone or together with any other person in respect of any State housing land, and may recover possession of the land to which the lease, tenancy, or agreement relates, notwithstanding anything to the contrary in the *Tenancy Act 1955*. 5 10

Acceptance of money after giving of notice rescinding agreement for sale.

22. Where any notice rescinding an agreement for sale under this Part of this Act has been given upon default under the agreement— 15

(a) The acceptance by or on behalf of the Corporation of any money payable under the agreement shall not of itself constitute evidence of a new agreement or operate as a waiver of the notice; and 20

(b) It shall not be necessary for the Board to wait any further period or give any other notice or make any further demand, any rule of law or equity to the contrary notwithstanding. 25

Recovery of possession of land. 1952, No. 52 See Reprint of Statutes, Vol. III, p. 798

23. (1) Notwithstanding anything to the contrary in section sixty-three of the Land Transfer Act 1952 or in any other Act, where the Board lawfully rescinds an agreement for sale granted under this Part of this Act, the purchaser and all persons claiming through the purchaser shall forthwith vacate the land and yield up possession thereof to the Corporation: 30

Provided that this subsection shall not apply to persons who claim by virtue of an instrument approved by the Board and who have complied with all the terms and conditions of that approval. 35

(2) In any action for possession of State housing land, a certificate by a person purporting to be the Manager of any Branch of the Corporation as to the value of the land, and as to whether any lease or tenancy has been granted in writing in respect of the land, and as to whether the land is State housing land, or as to any of those matters, shall, in the absence of proof to the contrary, be sufficient evidence in respect of the matter or matters so certified. 40 45

## Easements

24. The Board may from time to time grant any easement, right of way, right of occupation, or any other right or privilege or concession in, upon, over, or under any State housing land.

Power to grant easements, etc. 1940, No. 14, s. 9  
1943, No. 3, s. 2 (4)

25. Subject to the provisions of this Part of this Act, the Corporation may issue the following classes of easement certificates:

Corporation may issue easement certificates. 1953, No. 115, s. 15

- 10 (a) Pipe line certificates:  
(b) Right of way certificates:  
(c) Party wall certificates.

26. (1) The Corporation may at any time issue a pipe line certificate in any case where,—

Pipe line certificates. 1953, No. 115, s. 16

- 15 (a) Any pipe line has been constructed by the Crown over or through land all or part of which, at the time of the construction, was State housing land; and  
20 (b) The pipe line passes over or through more than one parcel of land or land which (in the opinion of the Board) is intended for subdivision into more than one parcel; and  
25 (c) One or more of the parcels of land has been or is intended to be disposed of by way of sale under this Part of this Act or under the provisions of any corresponding former enactment.

(2) In addition to its powers under subsection *one* of this section, the Corporation may at any time issue a pipe line certificate in any case where a section of the pipe line referred to in the certificate has been or is to be constructed over or through land that at the time of the registration of the certificate was not State housing land, if—

- 35 (a) The consent of the owner of that land and of every person having a registered interest therein is endorsed on the certificate in a manner satisfactory to the District Land Registrar or the Registrar of Deeds; or  
40 (b) The right to construct the pipe line was reserved at the time of the disposal of the land by the Crown; or  
(c) The pipe line was constructed on the land while it belonged to the Crown.

- (3) Every such pipe line certificate shall—
- (a) Be executed by the Corporation:
  - (b) Specify the land over or through which the pipe line passes and the several parcels of land which are served or (in the opinion of the Board) are intended to be served by the pipe line: 5
  - (c) Specify the nature of the pipe line:
  - (d) Have endorsed thereon or refer to a diagram showing the several parcels of land served or (in the opinion of the Board) intended to be served by the pipe line, and the land over or through which the pipe line has been constructed. 10
- (4) While any pipe line certificate remains registered in accordance with section *twenty-nine* of this Act against the titles to the land to which the certificate relates, unless the certificate otherwise provides, the following provisions shall apply: 15
- (a) The owner for the time being of every parcel of land specified in the certificate as being served or intended to be served by the pipe line shall have a right to the free and uninterrupted use of the pipe line; and a right, for himself and his servants and agents, after giving reasonable notice, to enter upon any land shown in the certificate as land over or through which the pipe line passes and (so far as is reasonably necessary for the purpose) on other land to which the certificate relates for the purpose of relaying or effecting necessary repairs to the pipe line, subject to the restoration as nearly as is reasonably possible of the surface of the land to its former condition: 20 25 30
  - (b) The owner for the time being of any land specified in the certificate as being land over or through which the pipe line passes shall afford to the persons specified in paragraph (a) of this subsection the full and free exercise of the rights specified in that paragraph in respect of that land: 35 40
  - (c) The owner for the time being of each parcel of land specified in the certificate as being served or intended to be served by the pipe line may require and enforce reasonable contribution

from all or any other such owners in respect of the cost of executing, providing, and doing all necessary relaying of or repairs to the pipe line, and all things required in respect of the pipe line by any local authority having statutory powers in respect thereof:

Provided that, where relaying or repairs are rendered necessary by the act or default of any one or more of the owners, he or they shall bear the whole cost thereof.

(5) Where it is not practicable to show the true course of any pipe line in any pipe line certificate, its position shall be indicated as nearly as possible in the certificate; and, until the contrary is proved, the course so indicated shall be deemed to be the true course. No action shall lie against the Crown under Part XI of the Land Transfer Act 1952 by reason of any pipe line certificate registered under this Part of this Act not indicating the true course of any pipe line referred to therein.

1952, No. 52

27. (1) The Corporation may at any time issue a right of way certificate in any case where,—

Right of way certificates.

(a) In the opinion of the Board, any right of way for the use of pedestrians or vehicles from any legally created road or street or from any land used as a road or street to any parcel or parcels of land which was State housing land when the right of way came into existence passes over other land which was State housing land when the right of way came into existence; and

1953, No. 115,  
s. 17

(b) After the right of way came into existence, one or more of the parcels of land has been disposed of by way of sale under this Part of this Act or under the provisions of any corresponding former enactment.

(2) Every such right of way certificate shall—

(a) Be executed by the Corporation:

(b) Specify the several parcels of land served by the right of way and the land over which the right of way exists:

(c) Have endorsed thereon or refer to a diagram showing the several parcels of land served by the right of way and the land over which the right of way exists.

(3) While any right of way certificate remains registered in accordance with section *twenty-nine* of this Act against the titles to the land to which the certificate relates, unless the certificate otherwise provides, the following provisions shall apply: 5

(a) The owner for the time being of any parcel of land specified in the certificate as being served by the right of way shall have the full and free right and liberty for himself, his tenants, agents, workmen, licensees, and invitees (in common with all other persons having the like right) from time to time and at all times by day or night to pass and repass over the land specified in the certificate as land over which the right of way exists with or without domestic animals of any kind and, where practicable, with vehicles and implements of any kind: 10 15

(b) The owner for the time being of any land specified in the certificate as being land over which the right of way exists shall afford to the persons specified in paragraph (a) of this subsection the full and free exercise of the rights specified in paragraph (a) of this subsection in respect of that land: 20

(c) The owner for the time being of any parcel of land specified in the certificate as being served by the right of way may require and enforce reasonable contribution from all or any other such owners in respect of the cost of executing, providing, and doing all or any of the things necessary for the proper maintenance or reconstruction of the right of way or lawfully required in respect thereof by any local authority having jurisdiction in the matter. 25 30

Party wall certificates. 1953, No. 115, s. 18

28. (1) The Corporation may at any time issue a party wall certificate in respect of a party wall in any building if— 35

- (a) The building was erected or acquired for State housing purposes; and  
 (b) The party wall separates two or more separate dwellings within the building; and 40  
 (c) One or more of the separate dwellings have been disposed of by way of sale under this Part of this Act or under the provisions of any corresponding former enactment. 45

(2) Every such party wall certificate shall—

(a) Be executed by the Corporation:

5 (b) Specify the party wall to which the certificate relates, the land which is the site of the wall, the separate dwellings of which the party wall forms part, and the land appurtenant to those dwellings:

10 (c) Specify the dwelling or dwellings which have been disposed of by way of sale under this Part of this Act or under the provisions of any corresponding former enactment:

(d) Have endorsed thereon or refer to a diagram showing the party wall, dwellings, and land specified in the certificate.

15 (3) While any party wall certificate remains registered in accordance with section *twenty-nine* of this Act against the titles to the land to which the certificate relates, unless the certificate otherwise provides, the following provisions shall apply:

20 (a) The owner for the time being of any land on which any part of the party wall forming part of his dwelling is situated shall have the full, free, and uninterrupted right to the use and enjoyment for the purposes of a party wall of any other land shown in the certificate as part of the site of the party wall, and of the portion of the party wall erected on that land:

25 (b) The maintenance, repair, and reinstatement of the part of any party wall which separates any two dwellings shall be borne and done at the joint expense of the owners of the land on which those dwellings are situated, unless any such work has been rendered necessary by the act or default of either of those owners alone, in which event the owner responsible or in default shall bear the whole cost thereof:

30 (c) No owner of any land on which part of any party wall is situated shall, without the consent of the owner of every piece of land on which any other part of the party wall is situated, make any addition to the party wall or impose any additional weight upon it or otherwise expose it to risk of damage.

35

0

Registration of  
easement  
certificates.  
1953, No. 115,  
s. 19

29. (1) Any easement certificate issued by the Corporation as aforesaid shall upon presentation for registration be registered by the District Land Registrar or Registrar of Deeds against the title to all land indicated in the certificate as affected thereby; and shall be so registered without production of the duplicate certificate of title or other document of title relating to the land if the Corporation is unable to produce the same. An easement certificate shall not be registered as aforesaid unless there is a registered title to all land indicated in the certificate as affected thereby. 5 10

(2) Any easement certificate may be registered as aforesaid notwithstanding that Her Majesty the Queen is the sole registered proprietor of all land indicated in the certificate as affected thereby. 15

(3) Any easement certificate may be varied, or may be cancelled in respect of all or any of the land indicated in the certificate as affected thereby,—

(a) By the issue by the Corporation of a further similar certificate specifying the manner in which the easement certificate is to be varied or the extent to which the certificate is to be cancelled: 20

Provided that an easement certificate shall not be varied under this paragraph so as to make it more onerous in respect of any land which is not for the time being State housing land: 25

(b) By consent of the owners for the time being of all the land against the title to which the certificate is for the time being registered: 30

(c) By order of the Supreme Court made, subject to section *thirty* of this Act, on application to the Supreme Court in that behalf.

(4) Any certificate, consent, or order to which subsection *three* of this section relates shall, upon presentation for registration, be registered by the Registrar as if it were an easement certificate. 3

(5) A registration fee of one pound shall be payable on any certificate, consent, or order which may be registered under this section.

(6) Notwithstanding any rule of law or enactment to the contrary, any easement certificate registered under this section shall be deemed to be binding on any prior or subsequent mortgagee of any of the land or of any interest in any of the land affected by the certificate, and

no consent under the Municipal Corporations Act 1954 or otherwise shall be necessary to the issue or registration thereof. 1954, No. 76

(7) Any person in possession of the certificate of title or other document of title to land affected by any certificate issued under this section shall, upon receiving notice from the Registrar in that behalf, deliver up to him that certificate of title or other document for the entry thereon of an appropriate memorial; and every person who refuses or neglects so to deliver up any such instrument commits an offence against this Act and shall be liable on summary conviction to a fine not exceeding fifty pounds.

(8) The Registrar shall not be concerned to inquire as to the truth of any statement contained in any certificate presented for registration under this section, and no action shall lie against the Crown or the Registrar or any other person (other than the Corporation) on behalf of the Crown in respect of any such registration.

(9) No person shall have any claim against the Crown under Part XI of the Land Transfer Act 1952 by reason of any omission, mistake, or misfeasance of any person other than the Registrar or his officers or clerks in relation to the registration of a certificate under this section. 1952, No. 52

30. The issue by the Corporation of any certificate which may be registered under section *twenty-nine* of this Act shall,— Easement certificate to be evidence of compliance with Act. 1953, No. 115, s. 19 (6)

(a) Before the expiration of twelve years from the date of the registration of the certificate under this section be sufficient evidence in the absence of proof to the contrary that the requirements of this Part of this Act in respect of the certificate have been complied with:

(b) After the expiration of twelve years from that date, be conclusive evidence that those requirements have been complied with.

## PART II

### ACCOUNTS AND MISCELLANEOUS

#### *Accounts*

31. (1) The Housing Account established under section seventeen of the State Advances Corporation Act 1936 is hereby abolished. Abolition of Housing Account. 1936, No. 12

(2) The enactments specified in the *First Schedule* to this Act are hereby consequentially amended in the manner indicated in that Schedule.

Payments to be  
made to and  
by the  
Corporation.

32. (1) All amounts payable to the Crown in respect of land, dwellings, buildings, and chattels administered by the Corporation under this Act, and all amounts which if this Act had not been passed would have been payable into the Housing Account, shall be paid to the Corporation. 5

(2) The Corporation shall pay out of the money received pursuant to subsection *one* of this section— 10

(a) All necessary expenses which it has to pay for repairing, renovating, rebuilding, and improving any such land, dwellings, buildings, and chattels and keeping them in a fit and proper state: 15

(b) All amounts required for the acquisition of land, dwellings, buildings, and chattels by the Board pursuant to *Part I* of this Act and for the repair, alteration, enlargement, or improvement thereof: 20

(c) Interest and other charges on the capital liability to the Consolidated Fund under the provisions of subsection five of section fourteen of the New Zealand Loans Act 1953 in respect of the land and buildings administered by the Corporation: 25

(d) All expenses of or incidental to the administration of this Act, including such remuneration to the Corporation in respect of the administration of this Act as may from time to time be approved by the Minister of Finance: 30

(e) The amount of any loans or payments which under the provisions of any other Act would have been payable out of the Housing Account if this Act had not been passed. 35

(3) The Board shall make such provision as it thinks fit for the depreciation of assets, insurances, reserves, and for such other matters as are in its opinion necessary.

(4) Any money required to carry out works authorized under *Part I* of this Act may be paid out of money appropriated by Parliament for the purpose. 40

(5) Any money required by the Board for the purposes of this Act or for the purposes of any other Act directing that money may be paid or loans made for purposes of 45

housing may be paid by the Minister of Finance to the Corporation without further appropriation than this section out of the National Development Loans Account.

When any such payment is made, the authority of the  
 5 Minister of Finance to borrow money under section eleven of the New Zealand Loans Act 1953 shall be deemed to be extended as if the money so paid had been duly transferred from the National Development Loans Account to another fund or account as mentioned in that section.

10 **33.** Where the Board is of the opinion that the amount of money held by it on behalf of the Crown is in excess of the amount reasonably required to meet expenditure under section *thirty-two* of this Act, it shall pay the amount of the excess to the Public Account to be credited  
 15 to the Loans Redemption Account.

Board to pay money not required for housing purposes to Loans Redemption Account.

**34.** (1) As soon as practicable after the end of each financial year ending with the thirty-first day of March, a balance sheet, profit and loss account, and such other statements as may be necessary to show fully the financial  
 20 results and position (duly audited by the Audit Office), together with a report on the operations for the financial year in respect of all land, dwellings, buildings, and chattels subject to this Act and under the administration of the Corporation, shall be submitted to the Minister.

Annual report. 1919, No. 32, s. 35

25 (2) A copy of the balance sheet, account, statements, and report shall be laid before Parliament within twenty-eight days after the date on which they are furnished to the Minister if Parliament is then in session, and, if not, shall be laid before Parliament within twenty-eight days  
 30 after the date of the commencement of the next ensuing session.

#### *Miscellaneous*

**35.** No stamp duty shall be payable on any agreement for sale, lease, licence to occupy, or other instrument or  
 35 document executed or made for the purposes of the provisions of *Part I* of this Act or of the provisions of any corresponding former enactment or for the purposes of any regulation made for giving full effect to those provisions or for the due administration thereof:

Stamp duty. 1919, No. 32, s. 31  
 1946, No. 41, s. 11

40 Provided that, where any land has been purchased or otherwise acquired by any person under *Part I* of this Act or under the provisions of any corresponding former enactment, nothing in this section shall exempt from payment of stamp duty any conveyance, transfer, assignment,

lease, mortgage, or other instrument or document relating to that land executed thereafter by the purchaser or by any other person.

Execution of documents.  
1919, No. 32, ss. 32, 33  
1940, No. 14, s. 10  
1947, No. 60, s. 23  
1950, No. 93, s. 26

36. (1) Any deed or document required to be executed on behalf of the Crown for the purposes of this Act may be executed on behalf of the Crown by the Corporation, or by the Minister, or by any person authorized by the Minister in that behalf either generally or in respect of any specified deed or document or of any specified class or classes of deeds or documents. 5 10

(2) The Corporation may execute on behalf of the Crown a transfer to any purchaser of the estate or interest of the Crown in any land which has been sold to that purchaser either before or after the commencement of this Act (whether that estate or interest is an estate in fee simple or a lesser estate or interest in the land) if immediately before the sale the land was State housing land. Every such transfer shall bear a certificate by the Corporation as to the date of possession fixed in respect of that sale by the relevant agreement for sale: 15 20

Provided that no such certificate shall be necessary in any case where the transfer bears a certificate by the Corporation to the effect that either—

(a) There was no dwelling on the land at the date of the sale; or 25

(b) Every dwelling on the land at the date of the sale was completely erected before the first day of January, nineteen hundred and thirty-six.

1952, No. 58

(3) For the purposes of section nineteen of the Public Works Amendment Act 1952, any request made by the Corporation to any District Land Registrar shall have the same effect as a like request made by the Minister of Works. 30

(4) Notwithstanding anything to the contrary in any Act or rule of law, it shall not be necessary for any memorandum of transfer to the Crown of any land acquired for State housing purposes to be executed by or on behalf of the transferee. 35

Reprinted 1954, p. 1367

(5) For the purposes of the Fencing Act 1908, the occupier of any State housing land shall be deemed to include the Corporation and the Minister; and no person shall be concerned to inquire into the validity of any notice purporting to be signed by or on behalf of the Corporation or the Minister. 40

37. (1) No District Land Registrar shall register any instrument which purports to transfer, mortgage, lease, or in any other way dispose in whole or in part of the purchaser's interest in any agreement or licence registered  
 5 under section *eighteen* of this Act or under the provisions of any corresponding former enactment, or in the land to which any such agreement or licence relates, or in any certificate of title for an estate in fee simple issued in  
 10 place of any such agreement or licence or pursuant to a memorandum of transfer executed under subsection *two* of section *thirty-six* of this Act, unless—
- (a) The instrument is in favour of the Crown or the Corporation, or the Crown or the Corporation is a party to the instrument; or
- 15 (b) The instrument is an application to register the land as a joint family home under the Joint Family Homes Act 1950; or
- (c) The instrument is executed more than seven years after the date of possession fixed by the agree-  
 20 ment or licence; or
- (d) The consent of the Corporation is endorsed on the instrument; or
- (e) The Corporation certifies that all dwellings upon  
 25 the land at the date of possession fixed by the agreement or licence were completely erected before the first day of January, nineteen hundred and thirty-six, or that there was no dwelling on the land at the said date of possession; or
- 30 (f) The Corporation has registered a certificate under subsection *three* of this section in respect of the land to which the instrument relates.
- (2) Every District Land Registrar shall require that every agreement for sale or licence to occupy registered  
 35 under section *eighteen* of this Act, shall have endorsed thereon a memorandum stating that all instruments to which subsection *one* of this section applies are subject to the restrictions imposed by that subsection for a period of seven years after the date of possession fixed by the  
 40 agreement or licence and specified in the memorandum; and shall endorse a like memorandum on every certificate of title issued instead of any such agreement or licence or pursuant to a memorandum of transfer executed under subsection *two* of section *thirty-six* of this Act:

Restrictions on registration of instruments executed within seven years after purchase. 1950, No. 93, s. 25 (5)

1950, No. 43

Provided that no such memorandum shall be endorsed on—

- (a) Any such agreement for sale, licence, or certificate of title if a period of more than seven years from the said date of possession has elapsed, or the Corporation has registered a certificate under subsection *three* of this section in respect of the land; or 5
- (b) Any certificate of title issued pursuant to any such memorandum of transfer, if the transfer bears the certificate of the Corporation that every dwelling upon the land at the said date of possession was completely erected before the first day of January, nineteen hundred and thirty-six, or that there was no dwelling upon the land at the said date of possession. 10 15

(3) Where a memorandum relating to the restrictions imposed by this section or by the corresponding provisions of any former enactment has been entered (whether before or after the commencement of this Act), or is required to be entered, upon any agreement for sale, licence, or certificate of title, the Corporation may at any time before the date of the expiry of the restrictions register without fee a certificate that the restrictions are no longer applicable, and thereupon the Registrar shall note the register accordingly and the restrictions shall cease. 20 25

Cancellation of restrictions imposed under former legislation on freehold titles in respect of dwellings. 1925, No. 7, s. 2

1936, No. 12

1950, No. 93

1953, No. 115

**38.** The District Land Registrar for the land registration district in which is situated any land acquired under the Housing Act 1919 or the Workers' Dwellings Act 1910 or any former Workers' Dwellings Act, on presentation to him of any certificate of title issued pursuant to any such Act and having thereon any endorsement or memorial or any restriction or limitation imposed by virtue of the provisions of any such Act or of section twenty-two of the State Advances Corporation Act 1936, shall, without requiring the payment of any fee, cancel the endorsement or memorial: 30 35

Provided that an endorsement or memorial relating to the restrictions imposed by section twenty-five of the Finance Act 1950, or an easement certificate under Part II of the Finance Act (No. 2) 1953, shall not be so cancelled unless the Corporation so requests. 40

39. In respect of the exercise of its functions under this Act the Corporation shall be deemed to be and always to have been the agent of the Crown, and shall be entitled accordingly to all the privileges which the Crown enjoys.

Corporation  
agent of the  
Crown.  
1940, No. 14,  
s. 11

5 The Corporation shall answer and act in its own name in respect of all such matters.

40. (1) The Governor-General may from time to time, by Order in Council, make all such regulations as in his opinion may be necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof.

Regulations.  
1919, No. 32,  
s. 34

(2) Without limiting the general power hereinbefore conferred, regulations may be made under this section for all or any of the following purposes:

15 (a) Prescribing the terms and conditions of agreements for sale of State housing land, including conditions for the rescission of any such agreement:

(b) Prescribing the conditions subject to which State housing land or buildings thereon may be let or leased:

20 (c) Prescribing fees payable on applications for land or buildings under *Part I* of this Act:

(d) Prescribing or regulating the mode of registration of instruments under section *eighteen* of this Act:

25 (e) Empowering the Crown to acquire or construct dwellings for the employees of any Rabbit Board constituted under the *Rabbit Nuisance Act 1928*; and prescribing the terms upon which the Crown may sell or lease the dwellings to Rabbit Boards, and the terms upon which the provisions of section seventeen of the Public Works Amendment Act 1948 may be applied in respect of any such dwelling, and in what circumstances that dwelling may not become a fixture or pass with the land but remain the property of the owner thereof:

See Reprint  
of Statutes,  
Vol. I, p. 243

30 (f) Generally for giving effect to the provisions of this Act.

1948, No. 39

40 (3) All regulations made under this section shall be laid before Parliament within twenty-eight days after the date of the making thereof if Parliament is then in session, and, if not, shall be laid before Parliament within twenty-eight days after the date of the commencement  
45 of the next ensuing session.

Consequential  
amendments.  
1943, No. 3

41. (1) The Ministry of Works Act 1943 is hereby amended—

(a) By omitting from subsection two of section two the words “including the erection of dwellings and other works undertaken for the purposes of Part I of the Housing Act 1919. The Minister shall also be charged with the administration of such of the provisions of the Housing Act 1919 and its amendments as relate to the setting apart, reservation, acquisition, development, or improvement of any land for the purposes of Part I of that Act or to any work undertaken for the purposes of the said Part I”:

(b) By repealing subsections three and four of section two:

(c) By repealing the Schedule.

1945, No. 45

(2) Section thirty of the Finance Act (No. 2) 1945 is hereby amended by omitting from subsection four the words “for the purposes of Part I of the Housing Act 1919”, and substituting the words “as State housing land under the Housing Act 1955”.

See Reprint  
of Statutes,  
Vol. III, p. 798

(3) Every reference in any other enactment or document to land set apart or held for the purposes of Part I of the Housing Act 1919 shall be read as a reference to State housing land under the Housing Act 1955; and every other reference in any enactment or document to the purposes of Part I of the Housing Act 1919 shall be read as a reference to State housing purposes under the Housing Act 1955.

Repeals and  
savings.

42. (1) The enactments specified in the Second Schedule to this Act are hereby repealed.

See Reprint  
of Statutes,  
Vol. VIII,  
p. 568

(2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the repeal of any provision by this Act shall not affect any document made or any thing whatsoever done under the provision so repealed or under any corresponding former provision, and every such document or thing, so far as it is subsisting or in force at the time of the repeal and could have been made or done under this Act, shall continue and have effect as if it had been made or done under the corresponding provision of this Act and as if that provision had been in force when the document was made or the thing was done.

## SCHEDULES

Schedules.

## FIRST SCHEDULE

Section 31 (2)

## AMENDMENTS CONSEQUENTIAL ON ABOLITION OF HOUSING ACCOUNT

Enactment Amended	Nature of Amendment
1936 No. 16— The Finance Act 1936	By omitting from section 35 the words “the funds of the Corporation or out of the Housing Account”, and substituting the words “money received by the Corporation under subsection <i>one</i> of section <i>thirty-two</i> of the Housing Act 1955, or out of the other funds of the Corporation”.
1939, No. 32— The Rural Housing Act 1939	By omitting from section 9 the words “the Housing Account”, and substituting the words “money received by the Corporation under subsection <i>one</i> of section <i>thirty-two</i> of the Housing Act 1955”.
1940, No. 23— The Termites Act 1940	By omitting from section 17 (1), from section 19 (1), and also from section 20 the words “the Housing Account”, and substituting in each case the words “money received by the Corporation under subsection <i>one</i> of section <i>thirty-two</i> of the Housing Act 1955”.
1946, No. 41— The Finance Act (No. 2) 1946	By omitting from section 25 (1) the words “the Housing Account”, and substituting the words “money received by the Corporation under subsection <i>one</i> of section <i>thirty-two</i> of the Housing Act 1955”; also by omitting from section 25 (3) the words “Housing Account”, and substituting the words “money of the Corporation”.
1953, No. 73— The Public Revenues Act 1953	By repealing section 72 (f).

## SECOND SCHEDULE

Section 42 (1)

## ENACTMENTS REPEALED

- 1919, No. 32—  
The Housing Act 1919. (Reprint of Statutes Vol. III, p. 798.)
- 1920, No. 49—  
The Housing Amendment Act 1920. (Reprint of Statutes, Vol. III, p. 814; Vol. IV, p. 1046.)
- 1921–22, No. 60—  
The Housing Amendment Act 1921–22. (Reprint of Statutes, Vol. III, p. 818; Vol. IV, p. 1048.)
- 1925, No. 7—  
The Housing Amendment Act 1925. (Reprint of Statutes, Vol. III, p. 820.)
- 1936, No. 12—  
The State Advances Corporation Act 1936: Part IV.
- 1936, No. 58—  
The Statutes Amendment Act 1936: Section 32.
- 1937, No. 17—  
The Finance Act 1937: So much of the First Schedule as relates to the Housing Act 1919.
- 1937, No. 20—  
The State Advances Corporation Amendment Act 1937: Sections 4 to 7 and the Schedule.
- 1940, No. 14—  
The Housing Amendment Act 1940.
- 1943, No. 15—  
The Finance Act (No. 3) 1943: Section 14 (3).
- 1946, No. 41—  
The Finance Act (No. 2) 1946: Sections 11 and 33.
- 1947, No. 60—  
The Statutes Amendment Act 1947: Section 23.
- 1948, No. 35—  
The Finance Act 1948: So much of the Schedule as relates to the State Advances Corporation Act 1936.
- 1950, No. 93—  
The Finance Act 1950: Part II.
- 1952, No. 78—  
The Harbours Amendment Act 1952: Section 11 (3).
- 1953, No. 54—  
The Stamp Duties Amendment Act 1953: So much of the Schedule as relates to the Housing Act 1919.
- 1953, No. 74—  
The New Zealand Loans Act 1953: So much of the Schedule as relates to the Housing Act 1919 and the State Advances Corporation Act 1936.
- 1953, No. 115—  
The Finance Act (No. 2) 1953: Part II.
- 1954, No. 37—  
The Land Amendment Act 1954: Section 2 (3).