

Hon. Mr Fox

HOUSE BUYERS PROTECTION BILL

ANALYSIS

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A BILL INTITULED

An Act to establish certain conditions as to the quality of the materials used and the quality of work provided in new and converted houses and flats intended for sale and
5 **as to the suitability of the land upon which the said houses and flats are to be erected**

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

10 **1. Short Title and commencement**—(1) This Act may be cited as the House Buyers Protection Act 1966.

(2) This Act shall come into force on the first day of January, nineteen hundred and sixty-seven.

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

“Builder” means any person who constructs or alters a dwelling in or upon any land, or who converts any existing building into a dwelling, and includes any company, partnership or other person with whom

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Price 6d.

the contract to build or alter the dwelling or make the conversion is made, but does not include any sub-contractor of the builder or any workman employed by either of them.

“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. 5

“Land” includes land of any tenure, whether freehold or leasehold or any other tenure of any kind whatsoever. 10

“Purchaser” means a person who has purchased, taken on lease, or otherwise acquired for valuable consideration any dwelling or any land upon which a dwelling may be constructed, and includes any person who is in lawful possession or occupation of the whole or any part of that dwelling or land. 15

“Vendor” means any person (other than a mortgagee not being a mortgagee in possession) having a legal or equitable estate or interest in any land upon which a dwelling has been or may be constructed, who conveys, transfers, lets, or otherwise for valuable consideration disposes of that land or dwelling to a purchaser or joins with others in so doing. 20

3. Requirements regarding materials and works—(1) In the construction or alteration of any dwelling or in the conversion of any existing building into a dwelling, all materials supplied for or used in such construction shall be reasonably fit for the respective purposes for which such materials are supplied or used; and shall be not less suitable than the materials prescribed in the specifications agreed to by the builder when the contract for construction, conversion or alteration of the dwelling was made. 25 30

(2) Every such construction, conversion or alteration and all works connected therewith shall be carried out in a proper and workmanlike manner. 35

4. Requirements regarding land—In the case of a new dwelling, the land upon which such dwelling is to be built shall be such as is suitable and possible for a dwelling to be erected thereon, and it shall be the duty of the vendor to reveal to the purchaser before any purchase is made any defects in the said land of which the vendor is or ought to be aware, which are not obvious when inspection is made. 40

5. Liabilities regarding materials and works and land—

Both the vendor and the builder shall be liable for breach of any of the conditions contained in sections 3 or 4 of this Act:

5 Provided that no action shall be brought except in respect of defects of which written notice shall have been given to the person or persons liable hereunder within two years after the dwelling has been completed and actual possession given and received, and no person who has not received the said
10 written notice within the said time shall be under any liability under this section.

6. Benefits to enure to subsequent purchaser—

The benefits of sections 4 and 5 of this Act shall enure to any purchaser, irrespective of any lack of contractual relationship between
15 that purchaser on the one hand and the vendor and the builder or either of them on the other hand.

7. Multiple dwellings—

This Act shall apply to the construction or alteration of one or more dwellings upon any land and to the conversion into a dwelling or dwellings of
20 any existing building or buildings upon any land.