

Hon. Mr. Semple

HOUSING IMPROVEMENT

ANALYSIS

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A BILL INTITULED

Title. AN ACT to make Provision with respect to the Improvement of Housing Conditions and the Reclamation of Overcrowded Areas, and for other Purposes.

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 Improvement Act, 1945.

Interpretation. 2. In this Act, unless the context otherwise requires,— 10

“Corporation” means the State Advances Corporation of New Zealand:

“House” means any building, tent, caravan, or other structure or erection, whether permanent or temporary, which is used or intended to be used in whole or in part for human habitation, and includes the land and any out-buildings and appurtenances belonging thereto or usually enjoyed therewith: 15 20

“Local authority” means the Council of a borough, the Board of a town district not forming part of a county, the Council of a county, or the Board of a road district in a county in which the Counties Act, 1920, is suspended or is not in force, save that, where the context or subject-matter so requires, the term means the Corporation of such local authority as aforesaid: 25

“Minister” means the Minister of Works; and includes any person for the time being authorized to exercise or perform any of the Minister's powers or functions under this Act: 30

See Reprint
of Statutes,
Vol. V, p. 180

“ Owner ”, in relation to any property, means the person who for the time being is entitled to the rack-rent thereof or would be so entitled if the same were let to a tenant at a rack-rent:

“ Reclamation area ” means a reclamation area constituted under Part II of this Act:

“ Registered mortgagee ”, in respect of any land, means a mortgagee of the land under a mortgage which is registered under the Deeds Registration Act, 1908, or the Land Transfer Act, 1915, or in respect of which a caveat is lodged with the appropriate District Land Registrar; and includes the holder of any charge on the land which is duly registered pursuant to the Statutory Land Charges Registration Act, 1928.

See Reprint of Statutes, Vol. VII, pp. 1143, 1162

Ibid., p. 1280

3. If under this Act the amount of any advances made or money expended is payable to or recoverable by a local authority together with interest, then, unless a contrary intention appears, the interest shall be calculated at a rate (hereinafter referred to as the authorized rate) equal to one per centum per annum more than the local authority is paying on the moneys advanced or expended if the local authority has previously borrowed those moneys, or equal to one per centum per annum more than the local authority would have been paying if it had at the time of the advance or expenditure borrowed the moneys from the Corporation under this Act.

Authorized rate of interest.

PART I

IMPROVEMENT OF HOUSING CONDITIONS

4. (1) For the purpose of prescribing standards of fitness with which any house, whether erected before or after the passing of this Act, must comply, the Governor-General, on the recommendation of the Minister of Works and the Minister of Health, may from time to time, by Order in Council, make regulations for or with respect to—

Regulations prescribing standards of fitness for houses.

(a) The construction, condition, and situation of houses, and the space about houses:

(b) The drainage, sanitation, ventilation, lighting, and cleanliness of houses and of the land on which houses are situate:

(c) The repair of houses:

(d) The provision in respect of houses of a proper supply of wholesome water, of bathing, laundry, cooking, and food-storage facilities, and of sanitary conveniences: 5

(e) The protection of houses from damp:

(f) The dimensions, cubical content, and height of rooms of houses. 10

(2) Nothing in any regulations under this section shall apply with respect to any house which is situate on Native land within the meaning of the Native Land Act, 1931, or with respect to any other house which is owned by a Native within the meaning of that Act, unless it is occupied by a person who is not a Native. 15

See Reprint
of Statutes,
Vol. VI, p. 103

Houses not
complying with
regulations.

5. (1) If a local authority is of opinion that any house does not comply with any regulations applicable thereto made under the *last preceding* section, it may cause to be served on the owner of the house a notice setting out particulars in respect of which the house is deficient and requiring the owner within a specified time (being not less than fourteen days after the service of the notice)— 20

(a) To carry out such repairs, alterations, or works (including, if so directed, the partial demolition of the house) as may be specified in the notice; or

(b) If the local authority is of opinion that it is impracticable to make the house comply with the regulations, to pull down the house: 30

Provided that the local authority shall not require that any house be pulled down unless it is satisfied that suitable alternative accommodation will be available for the persons residing in the house. 35

(2) The notice shall also set out an address at which notice of any appeal may be served on the local authority. 40

(3) In determining for the purposes of this section whether it is practicable to make any house comply with the regulations, regard shall be had to the estimated cost of the repairs, alterations, or works

necessary to make it so comply and the value which it is estimated that the house would have if those repairs, alterations, or works were completed.

5 (4) A copy of every notice under this section shall be served on all persons having any estate or interest in the land whereon the house to which it refers is situate, so far as those persons are known to the local authority.

10 (5) Every owner who without lawful excuse fails to comply with the requirements of any notice under this section within the time specified therein commits an offence and is liable on summary conviction to a fine not exceeding *fifty* pounds and to a further fine not exceeding *five* pounds for every day during which the
15 offence continues.

6. (1) In any case where the owner of a house is required by a notice under the *last preceding* section to pull down the house, or in any case where the local authority is of opinion that any repairs, alterations, or works which the owner is required to carry
20 out cannot be carried out while the house is occupied, the local authority may cause to be served on the occupier of the house a notice in writing requiring the occupier to vacate the house within a specified time,
25 being not less than fourteen days after the service of the notice.

House to be vacated in certain circumstances.

(2) Every person who after the expiration of the time specified in any notice under this section inhabits or occupies the house to which the notice relates or
30 permits or suffers any person to inhabit or occupy the house, unless the local authority has first certified in writing that the house has been made to comply with the regulations under section *four* of this Act, commits an offence and is liable on summary conviction to a fine
35 not exceeding *twenty* pounds and to a further fine not exceeding *five* pounds for every day during which the offence continues:

40 Provided that no offence shall be deemed to be committed under this section unless alternative accommodation which in the opinion of an Inspector of Factories is suitable has been offered to the occupier at or after the time of the service of the notice and he has failed or refused to accept it.

(3) In any case where after the expiration of the time specified in any notice under this section any person continues to inhabit or occupy the house to which the notice relates after alternative accommodation which in the opinion of an Inspector of Factories is suitable has been offered to him the local authority shall have, and may exercise in its own name, the like remedies for obtaining possession of the house as are by law given to a landlord against a lessee or tenant whose term is expired or rent is in arrear: 5

1936, No. 14

Provided that nothing in the Fair Rents Act, 1936, shall apply in respect of any proceedings under this section: 10

Provided also that, notwithstanding that the value of the house and the land appurtenant thereto, or the rental therefor, is above the jurisdiction of the Magistrate's Court, the remedies may be exercised by proceedings in the Magistrate's Court. 15

(4) Any expenses incurred by a local authority in obtaining possession of any house which are not paid by the occupier within one month after he has vacated the house shall be payable by the owner thereof to the local authority. 20

Appeals from notices.

7. (1) Within fourteen days after any notice under section *five* of this Act is served on the owner of any house, the owner or any other person having an estate or interest in the land whereon the house is situate may give to the local authority notice of appeal. 25

(2) Pending the determination of the appeal the notice shall be suspended. 30

(3) Every such appeal shall be heard and determined in a Magistrate's Court before a Magistrate alone, and the Court, for the purposes of hearing and determining the appeal, shall have all the powers vested in it in its ordinary civil jurisdiction. 35

(4) The procedure for the institution, hearing, and determination of the appeal shall be in accordance with regulations to be made under this Act, and, subject to those regulations or so far as they do not extend, shall be in accordance with the ordinary procedure of the Court. 40

(5) On any such appeal the Court may award such costs as it deems just either in favour of or against the appellant.

(6) On any such appeal the Court may cancel or vary the notice, or may confirm it, either absolutely or partially or subject to such conditions and modifications as the Court deems just, and the decision of the Court shall be final.

8. (1) If any owner on whom a notice is served under section *five* of this Act fails or refuses to comply with the requirements of the notice within the time specified therein, the local authority may carry out such repairs, alterations, or works (including the demolition of the house) as may be necessary to comply with those requirements.

Power of local authority on owner's default.

(2) All moneys expended by the local authority under this section and a sum equal to five per centum of the moneys so expended to cover the cost of supervision by the servants of the local authority, together with interest on those amounts calculated up to the date of payment thereof at the authorized rate, shall be payable by the owner to the local authority and shall be recoverable accordingly, except in the case of the demolition of a house which has been required by reason only of non-compliance with the provisions of the regulations relating to the space about houses or the drainage, sanitation, ventilation, lighting, or cleanliness of the land on which the house is situate.

(3) The local authority may destroy or sell or otherwise dispose of any materials taken from the house, and in the case of the sale of any materials may apply the proceeds thereof towards the expenses incurred under this section and may pay the surplus (if any) to the owner.

(4) The exercise by the local authority of the powers conferred by this section shall not relieve any person from liability to any penalty for failure to comply with the requirements of any notice under this Act.

9. (1) The local authority may make advances to any owner on whom a notice is served under section *five* of this Act for the purpose of enabling him to comply in all respects with the requirements of the notice, or the local authority may, by agreement with the owner, itself comply with those requirements, and all moneys expended by the local authority pursuant to any such agreement, together with a sum equal to five per centum of the moneys so expended to cover the cost

Advances by local authority to owners.

of supervision by the servants of the local authority, shall be deemed to be an advance for the purposes of this section.

(2) The local authority and the owner may agree that the amount of any advance under this section, or of any moneys payable under the *last preceding* section, shall be payable to the local authority in one amount at a fixed time with interest at a rate not exceeding the authorized rate or by instalments extending over a period with interest as aforesaid. Such agreement may contain any incidental provisions and may provide for the earlier payment of instalments, or any of them, on terms to be mentioned in the agreement: 5 10

Provided that where the agreement makes no provision as aforesaid for early payment of instalments the local authority shall accept the whole of the unpaid instalments at any time with interest up to and including the date of payment. 15

(3) Any such agreement may, where the moneys are payable in one amount, contain provisions for securing the payment thereof; and, where the moneys are payable by instalments, each such instalment shall for all purposes be deemed to be a rate, subject, nevertheless, to the following conditions:— 20

(a) The owner for the time being of the land shall in all cases be deemed to be the person primarily liable for payment: 25

(b) A separate book shall be kept by the local authority in which particulars of the instalments (distinguishing principal from interest), and of the dates for payment thereof, and of the names of persons paying the same, and of the land on which the moneys are a charge, shall be entered; and that book shall be *prima facie* evidence of the correctness of its contents. 30 35

Powers of
Minister on
default by
local authority
or under
agreement with
local authority.

10. (1) If any local authority fails or neglects to take such steps or do such acts under this Part of this Act as in the opinion of the Minister are necessary or desirable for the improvement of housing conditions in its district (either in respect of any particular houses or locality or generally), the Minister, after giving the local authority not less than one month's notice of his intention so to do, may take those steps or do those 40

acts, and the cost thereof shall be determined by the Minister and, subject to the provisions of the *next succeeding* section, the amount of the cost and interest thereon calculated up to the date of payment at the rate at which the Corporation is for the time being lending under section *twenty-eight* of this Act shall be recoverable from the local authority in any Court of competent jurisdiction as a debt due to the Crown or may be deducted from any moneys payable out of public moneys to that local authority.

(2) Any local authority may enter into an agreement with the Minister, containing such provisions as the parties thereto think fit, whereby the local authority authorizes the Minister to carry out its powers under the foregoing provisions of this Act for the purpose of improving housing conditions in the district of the local authority.

(3) For the purposes of this section the Minister shall have all the powers and rights of the local authority under this Part of this Act, and shall, in the exercise of those powers and rights, be subject to the obligations to which a local authority is subject.

11. (1) Any moneys expended by the Minister in doing or performing pursuant to the *last preceding* section any act or thing required of an owner under section *five* of this Act shall be paid out of the Housing Account. The amount thereof and a sum equal to five per centum of that amount to cover the cost of the supervision of the work, together with interest at the authorized rate, shall be paid by the owner to the local authority in whose district the land is situated either in one amount at a fixed time or by instalments extending over a number of years, as may be determined by the Minister.

Recovery of
expenditure
by Minister.

(2) Each local authority shall pay to the Corporation the amount of any moneys paid out of the Housing Account under the *last preceding* subsection in respect of owners whose lands are within the district of that local authority, together with interest calculated at the rate at which the Corporation is for the time being lending under section *twenty-eight* of this Act, either in one amount at a fixed time or by instalments over a number of years as may be determined by the Minister.

(3) Particulars of all moneys payable by an owner under this section to any local authority shall be supplied by the Corporation to the local authority.

(4) The provisions of subsections *two* and *three* of section *nine* of this Act shall apply in respect of the moneys payable to a local authority by an owner under this section as if those moneys were moneys recoverable by the local authority under section *eight* of this Act and the determination of the Minister under subsection *one* of this section as to the payment thereof were an agreement between the local authority and the owner.

(5) Unless the total liability of the local authority under subsection *two* of this section has been previously satisfied, all moneys received by the local authority under this section shall, immediately on their receipt, be paid by the local authority into a separate account to be kept at the bank where the local fund is kept and shall be applied in or towards payment of the liability of the local authority under the said subsection *two*.

(6) Any charge registered under the Statutory Land Charges Registration Act, 1928, in respect of any moneys payable by an owner under this section shall be in favour of the local authority and registration of the charge may be effected either by the Minister or by the local authority.

See Reprint
of Statutes,
Vol. VII,
p. 1280

Moneys
payable to
local authority
to be charge
on property.

12. (1) All moneys payable to the local authority by the owner of any house in respect of repairs, alterations, or works done on or to the house under this Part of this Act, or in respect of the costs of obtaining possession of the house, or in respect of advances made under this Part of this Act for the purpose of enabling the owner to comply with any requirements made thereunder as to the house, shall be a charge on the land whereon the house is or was erected.

(2) Nothing in the Statutory Land Charges Registration Act, 1928, shall apply in respect of the charge hereby created in any case where the land is held under a business-site license or a residence-site license granted under the Mining Act, 1926, or under a lease granted pursuant to section forty-five or section forty-seven of that Act.

Ibid, Vol. V,
p. 943

(3) Every charge on land created by this Act shall, save as hereinafter provided, have priority over all existing or subsequent mortgages, charges, or encumbrances howsoever created, including mortgages, charges, and encumbrances in favour of the Crown. Notwithstanding anything to the contrary in any other enactment, if any land subject to a charge created by this Act is also subject to a charge created by that other enactment, the charges shall rank equally with each other unless by virtue of that other enactment the charge created thereby would be deferred to the charge created by this Act.

13. Where any owner who is a trustee is served with a notice under section *five* of this Act he may, notwithstanding anything to the contrary in the instrument (if any) creating the trust,—

Provisions where owner is a trustee.

- (a) Carry out such repairs, alterations, or works as are specified in the notice:
- (b) Demolish the house and, if he thinks fit, erect other premises in substitution therefor or sell the land on which the house was erected:
- (c) Pay or apply any capital money subject to the same trust for or towards any such purpose:
- (d) Raise any money required for or towards any such purpose by obtaining an advance from the local authority under this Act or by sale, conversion, calling in, or mortgage of all or any part of the property subject to the same trust and for the time being in possession.

14. (1) Where by or under this Part of this Act the owner of any house is required to do any act or thing and the owner fails or refuses to do that act or thing, any registered mortgagee of the land on which the house is situate, or, with the prior approval in writing of the local authority, the occupier of the house, may do the act or thing.

Power of registered mortgagee or occupier to do acts required of owner.

(2) Notwithstanding any covenant or agreement whatsoever to the contrary, any expenses incurred by any mortgagee pursuant to this section shall be recoverable by the mortgagee from the owner as a debt due to the mortgagee by the owner or, on notice in writing to the mortgagor by the mortgagee, shall be deemed to be added to the principal sum owing under the mortgage and to be secured thereby, and if the mortgagor

is not the owner, the amount so deemed to be added shall be recoverable by the mortgagor from the owner as a debt due to the mortgagor by the owner.

(3) Notwithstanding any covenant or agreement whatsoever to the contrary, any expenses thereby incurred by the occupier shall be recoverable by the occupier from the owner as a debt due to the occupier by the owner, or may be deducted by the occupier from, or set off against, any rent then due or thereafter to become due by the occupier in respect of the house. 5 10

(4) The exercise by a mortgagee or the occupier of the powers conferred by this section shall not relieve any person from liability to any penalty for failure to comply with the requirements of any notice under this Act. 15

Regulations
as to
overcrowding.

15. (1) The Governor-General may, on the recommendation of the Minister of Works and the Minister of Health, from time to time, by Order in Council, make regulations for the purpose of preventing overcrowding in houses. 20

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

(a) Prescribing the number of persons permitted to reside in houses having regard to the number of rooms, and the amount of the floor space, air space, or ventilation thereof: 25

(b) Prescribing methods of calculating the number of persons, the number of rooms, and the amount of the floor space, air space, or ventilation thereof: 30

(c) Requiring the provision in houses of separate sleeping-accommodation for males and females, being persons ten years old and more and not being persons living together as husband and wife: 35

(d) Prescribing offences in relation to overcrowding in houses, and fines, not exceeding *twenty* pounds in any case or, where the offence is a continuing one, not exceeding *five* pounds for every day or part of a day during which the offence continues. 40

(2) It shall be the duty of each local authority to enforce such of the regulations made under this section as are in force in its district or in any parts of its district, and those regulations shall be enforceable
5 in all respects as if they were by-laws made by the local authority, and all fines recovered for the breach thereof in proceedings conducted by or on behalf of the local authority shall be applied as if they were recovered in respect of the breach of by-laws.

10 **16.** (1) Any regulations under the *last preceding* section may require or authorize local authorities to prepare and maintain a register of houses of any class or classes referred to or defined in the regulations, may contain provision for objections to and alterations of
15 any such register, and may provide that any such register may be *prima facie* evidence of the contents thereof.

Register
of houses.

(2) Every register prepared pursuant to any such regulations shall set out in respect of each house
20 included in the register the particulars prescribed by the regulations.

17. (1) A local authority may take under the Public Works Act, 1928, or purchase or otherwise acquire as for a public work duly authorized by that Act any
25 land—

Acquisition of
land by local
authority
where house
unfit for
habitation or
area below
minimum.

(a) Where the land contains less than the minimum frontage, area, or depth prescribed by any by-law or regulation applicable thereto as the minimum frontage, area, or depth of land
30 upon which any house or any building may be erected:

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

(b) Where the land is of such a size that in the opinion of the local authority no house or other building could conveniently be erected
35 thereon otherwise than in contravention of the provisions of any Act or any regulation or by-law relating to space about buildings or the lighting or ventilation thereof:

(c) Where the local authority has under the foregoing provisions of this Act required the
40 owner to pull down any house erected on the land.

(2) In any case where land is taken, purchased, or otherwise acquired by a local authority in pursuance of the provisions of the *last preceding* subsection, the local authority may take under the Public Works Act, 1928, or purchase or otherwise acquire as for a public work duly authorized under that Act any adjoining land which in the opinion of the local authority it is desirable to acquire in order to improve the locality by providing an allotment or allotments of a suitable size. 5

(3) A local authority which has acquired any land in pursuance of this section may remove or demolish any buildings or other erections thereon and sell the erections so removed or the materials from the erections so demolished, and may sell any land so acquired upon or subject to such terms and conditions as the local authority thinks fit, and nothing in the provisions of section thirty-five of the Public Works Act, 1928, shall apply in respect of any such sale. 10 15

See Reprint
of Statutes,
Vol. VII, p. 643

PART II 20

RECLAMATION OF OVERCROWDED AREAS

18. (1) Where in the opinion of a local authority any area in the district of the local authority—

(a) Is in an overcrowded, degraded, or insanitary condition; or 25

(b) Contains houses which are unfit for human habitation or which are insanitary or unhealthy or likely to affect detrimentally the well-being of the inhabitants of the area by reason of the excessive number of buildings within the area or the bad arrangement or narrowness of streets or the unsuitability of the area for human habitation or for any other reason,— 30

and the local authority is of opinion that it is desirable 35 that the area be dealt with under this Part of this Act, the local authority may cause the area to be defined on a map and may present a petition to the Governor-General praying that the area so defined be constituted a reclamation area under this Part of this Act. 40

Preliminary
procedure.

(2) Before presenting any such petition the local authority shall be satisfied that, in so far as suitable accommodation for the persons who will be displaced by the clearance of the area does not already exist, 5 arrangements can be made for the provision of such accommodation in advance of the displacements which will from time to time be necessary as the demolition of buildings in the area, or in different parts thereof, proceeds.

10 (3) Not less than twenty-eight days before presenting any petition under this section the local authority shall cause notice to be given in each of two newspapers circulating in the locality describing the boundaries of the area and naming a convenient place where a copy 15 of the petition and a plan of the area may be inspected at all reasonable times, and setting out that the petition will be presented to the Governor-General.

(4) Before presenting the petition the local authority shall take into consideration any objections made to it 20 by or on behalf of any owner or mortgagee of any land situated in the area within twenty-one days after the last publication of the notice aforesaid.

19. (1) The Governor-General may, if he thinks fit, on the receipt of a petition under the *last preceding* 25 section proclaim the area defined by the local authority pursuant to subsection *one* of that section to be a reclamation area under this Part of this Act. Proclamation of reclamation area.

(2) The Governor-General may at any time by Proclamation revoke a Proclamation under the provisions 30 of subsection *one* of this section, and thereupon the area shall cease to be a reclamation area under this Part of this Act.

20. The local authority may take under the Public Works Act, 1928, or purchase or otherwise acquire as 35 for a public work duly authorized by that Act any land, or any estate or interest in land, situated in the reclamation area or, if its acquisition is in the opinion of the local authority reasonably necessary for the satisfactory development or use of the reclamation area, any land, 40 or any estate or interest in land, situated adjacent to or near the reclamation area. Acquisition of land in or near reclamation area.

Powers of local authority as to reclamation area.

See Reprint of Statutes, Vol. V, p. 488

21. (1) The local authority may, subject to the provisions of the Town-planning Act, 1926, replan, resubdivide, and improve the reclamation area or any part thereof.

(2) In particular and without prejudice to the generality of the *last preceding* subsection, the local authority may in respect of any land taken, purchased, or otherwise acquired or vested pursuant to section *twenty* or section *twenty-three* hereof do all or any of the following things, that is to say:—

(a) Demolish, construct, reconstruct, or maintain in good repair any buildings or other erections thereon:

(b) Secure the closing of any road or street or part of any road or street adjoining any of the land or secure the extinguishment of any easement or restrictive covenant affecting any of the land:

(c) Lay out new roads or streets, and also squares, open spaces, and recreation and other reserves thereon:

(d) Alter the levels of any of the land and of any roads or streets adjoining any of the land:

(e) Make provision with respect to pipes, wires, apparatus, sewers, drains, tunnels, conduits, poles, posts, and fixtures on, over, or under any of the land or any of the roads or streets aforesaid:

(f) Sell or lease any of the land and any buildings or erections thereon upon or subject to such terms and conditions as the local authority thinks fit, and nothing in section thirty-five of the Public Works Act, 1928, shall apply in respect of any such sale.

(3) For the purposes of this section any roads or streets may be closed under section twelve of the Land Act, 1924.

Ibid., Vol. VII, p. 643

Ibid., Vol. IV, p. 627

Notice to vacate buildings in reclamation area.

22. (1) The local authority may serve a notice in writing on the occupier of any building situate on any land which has been taken, purchased, or otherwise acquired pursuant to the foregoing provisions of

this Part of this Act requiring him to vacate the building within a specified period not less than one month after the service of the notice.

(2) Every person who after the expiration of the
5 period specified in the notice as aforesaid inhabits or occupies the building, or permits or suffers any person to inhabit or occupy the building, commits an offence and is liable on summary conviction to a fine not exceeding
10 *twenty* pounds and to a further fine not exceeding *five* pounds for every day during which the offence continues:

Provided that no offence shall be deemed to be committed under this section unless alternative accommodation which in the opinion of an Inspector of
15 Factories is suitable has been offered to the occupier after the service of the notice and he has failed or refused to accept it.

(3) In any case where after the expiration of the time specified in any notice under this section any
20 person continues to inhabit or occupy the house to which the notice relates after alternative accommodation which in the opinion of an Inspector of Factories is suitable has been offered to him the local authority shall have, and may exercise in its own name, the like
25 remedies for obtaining possession of the house as are by law given to a landlord against a lessee or tenant whose term is expired or rent is in arrear:

Provided that nothing in the Fair Rents Act, 1936, 1936, No. 14 shall apply in respect of any proceedings under this
30 section:

Provided also that, notwithstanding that the value of the house and the land appurtenant thereto, or the rental therefor, is above the jurisdiction of the Magistrate's Court, the remedies may be exercised by
35 proceedings in the Magistrate's Court.

23. Notwithstanding anything to the contrary in section twelve of the Land Act, 1924, or in any other enactment, in any case where a road or street or part of a road or street in a reclamation area is closed the
40 land comprised therein shall vest in the local authority for an estate in fee simple.

Vesting of
closed streets.
See Reprint
of Statutes,
Vol. IV, p. 627

PART III

MISCELLANEOUS PROVISIONS

Compensation when land taken in reclamation area or for purposes of Housing Act, 1919.

See Reprint of Statutes, Vol. VII, p. 622 1936, No. 58

24. (1) Where any land is taken under the Public Works Act, 1928, pursuant to this Act, or where any land is taken under the Public Works Act, 1928, for housing purposes pursuant to section thirty-two of the Statutes Amendment Act, 1936, in determining the amount of compensation payable in respect of the land, the provisions of the Public Works Act, 1928, shall be read subject to the following provisions, namely:—

(a) If there is on the land any house or other building which the Minister or any local authority or Medical Officer of Health has, whether pursuant to this or any other Act, required the owner to demolish, the value of the house or other building (except in so far as the materials thereof have any net sale value) shall be disregarded, except in the case of any house which the owner has been required under the foregoing provisions of this Act to demolish by reason only of non-compliance with the provisions of the regulations relating to the space about houses or the drainage, sanitation, ventilation, lighting, or cleanliness of the land on which the house is situate:

(b) Where in the opinion of the Court any house or other building is in a state of defective sanitation or is not in reasonably good repair, the value of the house or other building shall be the estimated value thereof if put into a sanitary condition or reasonably good repair, less the estimated expense of putting it into such condition or repair:

(c) The rent charged for any house or other building shall be disregarded:

(d) In the case of any land which comprises or is part of a reclamation area, if the owner of the land or any other person entitled to do so has since the date of the Proclamation of the area as a reclamation area expended moneys on any house or other building thereon without the prior written consent of the local

authority, the moneys so expended shall be deemed to have been expended with the intention of increasing the amount of compensation to be claimed by the owner, and an amount equal to the amount so expended or to the added value claimed by reason of the expenditure shall be disallowed:

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(e) In the case of any land which comprises or is part of a reclamation area or which is situated adjacent to or near a reclamation area, the fact that the land so comprises or is part of the reclamation area or is situated adjacent to or near a reclamation area shall not be taken into consideration in assessing compensation.

(2) If it is proposed to tender any evidence that any house or other building is in a state of defective sanitation or is not in reasonably good repair, the respondent shall furnish to the Court and to the claimant a statement in writing of the respects in which the house or other building is alleged to be defective.

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25. (1) Where pursuant to the foregoing provisions of this Act an owner has been required to demolish any house by reason of non-compliance with the provisions of the regulations relating to the space about houses or the drainage, sanitation, ventilation, lighting, or cleanliness of the land on which the house is situate and the house has been demolished, whether by the owner, the local authority, or the Minister, the owner and every other person having any right, title, estate, or interest in the house or in the land whereon the house was erected shall be entitled to the full value of the house so demolished.

Compensation payable on demolition of certain houses.

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(2) Where any claim for compensation arises under this section, the local authority of the district in which the house was situate shall be liable for the compensation (if any), and shall be deemed to be the respondent for the purposes of the Public Works Act, 1928.

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

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(3) In default of agreement between the parties, claims for compensation under this section shall be made and determined within the time and in the manner provided by the Public Works Act, 1928, and the provisions of that Act shall, so far as they are applicable and with the necessary modifications, apply with respect to claims under this section:

Provided that in determining the amount of compensation payable the provisions of the Public Works Act, 1928, shall be read subject to the provisions set out in paragraphs (b) to (e) of subsection *one* of the *last preceding* section.

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Section 332 of
Municipal
Corporations
Act, 1933 (as to
subdivisions),
amended.
1933, No. 30

26. (1) Section three hundred and thirty-two of the Municipal Corporations Act, 1933, is hereby amended by repealing paragraph (a) of subsection ten thereof.

(2) Except as provided in the said subsection ten, as amended by the *last preceding* subsection, the provisions of the said section three hundred and thirty-two shall apply to the disposal, as one allotment, of, or to the issue of a certificate of title in respect of, any part of any land in a borough notwithstanding that that part was, before the commencement of that section, separately fenced and had erected thereon a dwelling or other substantial building, or was separately occupied.

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Borrowing by
local
authorities for
purposes of
this Act.
See Reprint
of Statutes,
Vol. V, p. 365

27. (1) Any local authority may from time to time by special order and without taking the steps prescribed by sections nine to thirteen of the Local Bodies' Loans Act, 1926, raise a special loan for the purposes of this Act.

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(2) Interest-moneys received by a local authority in respect of any advances made under section *nine* of this Act out of moneys raised by it by way of special loan for the purposes of this Act shall be applied in or towards payment of the interest or other annual charges in respect of that loan.

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Loans to local
authorities by
State Advances
Corporation.

28. (1) The Corporation may from time to time, with the approval of the Minister of Finance, make loans out of the Housing Account to any local authority to enable it to make advances under Part I of this Act.

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(2) The amount of any such loan may be paid to the local authority by such instalments and at such times as may be agreed upon between the Corporation and the local authority, and, notwithstanding anything to the contrary in the Local Bodies' Loans Act, 1926, the local authority may issue a debenture or debentures for the whole amount of the loan at the time when the first instalment thereof is paid to the local authority.

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Ibid., p. 360

29. The Corporation may from time to time, with the approval of the Minister of Finance, pay out of the Housing Account any expenses incurred by the Minister in the administration of this Act and in the
5 exercise of any of the powers of the Minister under this Act.

Expenses payable out of Housing Account.

30. (1) The Minister may from time to time, either generally or particularly, delegate to any person any of the powers conferred on him by this Act, including
10 the power of delegation conferred by this section.

Delegation of Minister's powers.

(2) Subject to any general or special directions given by the Minister or other person by whom the powers are delegated as aforesaid, the person to whom any powers are so delegated may exercise those powers
15 in the same manner and with the same effect as if they had been directly conferred on him by this Act and not by delegation.

(3) Every person purporting to act pursuant to any delegation under this section shall be presumed
20 to be acting in accordance with the terms of the delegation unless and until the contrary is proved.

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

(5) The delegation by the Minister or by any other person of any powers conferred on him by or by virtue of this Act shall not prevent the personal exercise of
30 those powers by the Minister or by any such other person.

31. (1) For the purposes of this Act any persons authorized in writing in that behalf by a local authority or by the Minister may at all reasonable times enter
35 any house or land and inspect the same, and, with the assistance of such workmen as are necessary, may take such measures and carry out therein or thereon such repairs, alterations, or works as may be authorized under or pursuant to this Act:

Power to enter premises.

40 Provided that the power of entry conferred hereby shall not be exercised except by arrangement with the occupier or after forty-eight hours' previous notice of a desire to enter the premises has been given.

(2) Every person authorized in writing as aforesaid shall produce his authority in writing when so required by any person on whose premises he enters in the course of his duty.

(3) Every person who falsely represents himself to be a person authorized in writing as aforesaid commits an offence and is liable on summary conviction to a fine of *fifty* pounds. 5

Obstruction
of officers.

32. Every person commits an offence and is liable on summary conviction to a fine not exceeding *fifty* pounds who obstructs, hinders, impedes, resists, or opposes any person who is exercising or attempting to exercise any powers conferred on him by or pursuant to this Act. 10

Interference
with owner
by occupier.

33. If in performing or attempting to perform any duty imposed on him by or pursuant to this Act the owner of any house is in any way obstructed or hindered by the occupier or by any other person, the occupier or other person shall be liable on summary conviction to a fine not exceeding *five* pounds for every day on which he obstructs or hinders the owner. 15

Failure to
disclose name
of owner.

34. If the occupier or the agent of the owner of any house on being requested by or on behalf of the local authority or the Minister to state the name and address of the owner of the house refuses or wilfully omits to disclose or wilfully misstates the same or, if he pays the rent to some person other than the owner, refuses or wilfully omits to disclose or wilfully misstates the name and address of that other person, he shall be liable on summary conviction to a fine not exceeding *five* pounds. 20

Authentication
of notices, &c.

35. (1) Any notice, authority, or other document given by the Minister shall be sufficiently authenticated if it is signed by the Minister or by any person on behalf of and by direction of the Minister. 25

(2) Every notice, authority, or other document purporting to be signed by or on behalf of the Minister shall, in the absence of proof to the contrary, be deemed to have been duly signed by or on behalf of and by direction of the Minister. 30

Service of
notices.

36. (1) Any notice required to be served on any person for the purposes of this Act may be served by delivering it to that person or by posting it by registered letter addressed to that person at his last known place of abode or business in New Zealand. A notice so 40

posted shall be deemed to have been served at the time when the registered letter would in the ordinary course of post be delivered.

(2) If any notice is required to be served on the owner or occupier of any premises and that owner or occupier or his place of abode or business is unknown, or if the owner or occupier is absent from New Zealand, or is deceased, the notice, addressed to the owner or occupier of the premises, as the case may require, may be served on the occupier thereof or left with some inmate of his abode, or, if there is no occupier, may be put up on some conspicuous part of the premises. It shall not be necessary in any such notice to name the owner or occupier of the premises.

15 **37.** (1) The Governor-General may from time to time, by Order in Council, make all such regulations as may in his opinion be necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof. Regulations.

20 (2) All regulations made under this Act shall be laid before both Houses of Parliament within fourteen days of the making thereof if Parliament is then in session, and, if not, then within fourteen days of the commencement of the next ensuing session.

25 **38.** (1) Any regulations under this Act may apply generally throughout New Zealand or within any specified part or parts thereof (whether including the whole of the district of any local authority or not) or within the whole of New Zealand, except such part or parts as may be specified in the regulations. General provisions as to regulations.

30 (2) Any regulations under this Act may apply generally in respect of all houses or all houses of any class or classes therein referred to or defined, or may apply in respect of all houses except those of any class therein referred to or defined.

35 (3) Any regulations under this Act may leave any matter or thing to be approved, determined, applied, dispensed with, prohibited, or regulated by the Minister or by a local authority or any officer thereof or any other person.

40 (4) In so far as the by-laws of any local authority are inconsistent with or repugnant to any regulations under this Act in force in the district of that local authority, the by-laws shall be deemed to be subject to the regulations.

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Repeal and
saving.
1933, No. 30

39. Section three hundred and five of the Municipal Corporations Act, 1933, is hereby repealed:

Provided that all matters and proceedings commenced under that section, and pending or in progress at the commencement of this Act, may be continued, completed, and enforced under the provisions of that section as if this Act had not been passed. 5

Saving
of other
enactments.

40. Except so far as may be specifically provided in this Act, nothing in this Act shall be so construed as to annul or derogate from the provisions of any other Act or of any regulations, rules, or by-laws made thereunder. 10