

*This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.*

*House of Representatives,*

*10th October, 1940.*

*Hon. Mr. Armstrong*

## TERMITES

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### A BILL INTITULED

AN ACT to make Provision for the Detection, Control, Title.  
and Destruction of Termites.

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

1. This Act may be cited as the Termites Act, 1940. Short Title.

- Interpretation. 2. (1) In this Act, unless the context otherwise requires,—
- “ Building ” means any structure having walls or having a roof supported on piers:
- “ Corporation ” means the State Advances Corporation of New Zealand: 5
- “ Inspector ” means an Inspector of Termites appointed under this Act:
- “ 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: 10
- “ Minister ” means the Minister for the time being charged with the administration of the Housing Act, 1919: 20
- “ Owner ” of any property means the person who is for the time being entitled to the rack-rent thereof, or who would be so entitled if the same were let to a tenant at a rack-rent, save that in the case of any property let to a tenant at a rental assessed as though the property did not include the building or other improvement affected by termites the term means the tenant of that property: 25
- “ Termite ” means any species of termite not indigenous to New Zealand: 30
- “ Timber ” includes any timber or wood, living or dead, or other material which provides food for termites or is liable to become infested with termites. 35
- (2) For the purposes of this Act, harbour-works within the meaning of the Harbours Act, 1923, which are not within the district of any local authority shall be deemed to be within the district of the local authority whose district is nearest thereto. 40

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

Ibid., Vol. III,  
p. 798

Ibid., p. 568

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  
 5 calculated at a rate (hereinafter referred to as the authorized rate) equal to one-half per centum per annum more than the local authority is paying on the moneys advanced or expended if the local authority had previously borrowed those moneys, or equal to  
 10 one-half 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.

4. (1) The Minister shall have the administration  
 15 of this Act.

Functions of Minister.

(2) The functions of the Minister shall be—

(a) To advise local authorities to which this Act applies in relation to the detection, control, and destruction of termites:

20 (b) To promote and carry out investigations on matters concerning the control and destruction of termites, and research work in connection therewith:

25 (c) To publish reports, information, and advice concerning termites and methods of detecting, controlling, or destroying termites, and to make provision for the training of Inspectors and other officers in such matters:

30 (d) To organize and attend to measures for the detection, control, or destruction of termites:

(e) Generally to take all such steps as may be desirable to secure the effective carrying-out of the purposes of this Act.

35 5. (1) The Governor-General may by Order in Council declare that any local authority shall be a local authority to which the provisions of this Act apply.

Application of Act to local authorities.

(2) Any such Order in Council may be at any time in like manner revoked.

40 (3) While any such Order in Council remains in force, the local authority to which it relates shall be required to perform the duties imposed on local authorities by this Act.

(4) Notwithstanding the revocation of any such Order in Council, this Act shall continue to apply to the local authority to which the Order in Council related for the purpose of continuing and completing under this Act any act, matter, or thing, or any proceedings commenced or in progress thereunder; and every power and act which may be necessary to complete, carry out, or compel the performance of any subsisting contract or agreement lawfully made, entered into, or commenced under this Act may be exercised and performed in all respects as if the Order in Council had not been revoked; and all offences committed, or penalties or forfeitures incurred, before the revocation of the Order in Council may be prosecuted, punished, and enforced as if the Order in Council had not been revoked.

General powers and duties of local authorities.

6. Subject to the provisions of this Act, it shall be the duty of every local authority to which this Act applies to promote and carry out measures for the detection, control, and destruction of termites within its district, and for that purpose every such local authority is hereby empowered and directed to do the following things, that is to say:—

- (a) To appoint such Inspectors of Termites and other officers and servants as are in its opinion necessary for the proper discharge of its duties under this Act:
- (b) To cause inspections of its district to be regularly made for the purpose of ascertaining whether any termites have become established in the district:
- (c) To furnish to the Minister such reports as to the existence of termites within its district as may be required by this Act or as may be required by the Minister:
- (d) Generally to take all such measures and perform and do all such acts and things as to the local authority seem necessary or expedient to control and destroy termites within its district.

Local authorities may act together in measures under this Act.

7. (1) Local authorities to which this Act applies may act together in the exercise and performance of their powers and duties under this Act and may, upon such terms and conditions as they think fit, jointly appoint Inspectors and others for that purpose.

(2) Any local authority to which this Act applies may from time to time arrange with any other such local authority for that other local authority and its Inspectors and officers on behalf of the first-mentioned local authority to exercise and perform the powers and functions of the first-mentioned local authority and to enforce the observance of the provisions of this Act and of any regulations in force under this Act in the district of that local authority.

(3) Any local authority may for the purposes of this section enter into such agreements as it thinks fit, and the agreements may contain all such provisions as to the local authority seem necessary or expedient.

8. (1) For the purposes of this Act Inspectors, and also any other persons authorized in writing in that behalf by any local authority or by the Minister or the Corporation, may at all reasonable times enter any dwellinghouse, building, land, or other premises and inspect the same, and, with the assistance of such workmen as are necessary, may take such measures and execute thereon such works as may be authorized under or pursuant to this Act:

Power to enter premises.

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 Inspector shall be furnished by the local authority with a certificate of his appointment.

(3) Every Inspector and every other person authorized in writing as aforesaid shall produce his certificate of appointment or authority in writing, as the case may be, when so required by any person on whose premises he enters in the course of his duty.

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

9. (1) Subject to the provisions of this section, if any pole, post, stump, tree, or other timber (not being part of a building) situated on any premises,

Removal of poles, &c., harbouring termites.

road, street, or private street within the district of a local authority to which this Act applies is harbouring termites, it shall be the duty of the owner of that pole, post, stump, tree, or other timber, and of the person having control of the premises, road, street, or private street whereon it is situated to remove it and to destroy it immediately thereafter by burning and to take such other steps as may be necessary to control and destroy the termites. 5

(2) The local authority may by notice require any such owner or person to remove and destroy any such pole, post, stump, tree, or other timber as aforesaid and to take such other steps as the local authority considers necessary to control and destroy the termites within such time as may be specified in the notice. 10 15

(3) If any such owner or person fails to comply with any notice under the *last preceding* subsection within the time specified in the notice, the local authority may remove and destroy the pole, post, stump, tree, or other timber and take such other steps as it considers necessary to control and destroy the termites, and the local authority may also make such repairs to any structure affected by the removal as it considers necessary or expedient. The costs, charges, and expenses incurred by the local authority under this subsection and interest thereon calculated up to the date of payment thereof at the authorized rate shall be recoverable in any Court of competent jurisdiction as a debt due to the local authority by the owner or person failing to comply with the notice. 20 25 30

(4) Nothing in this section shall apply with respect to any telegraph, electric-power, electric-light, or tramway pole, or with respect to any part of a wharf or any railway-sleeper or tramway-sleeper. 35

Treatment of  
affected parts  
of buildings.

**10.** (1) If there are termites in any building situated in the district of a local authority to which this Act applies and the local authority is of opinion that they may be destroyed without destroying any of the timber in the building, it shall cause to be 40

served on the person in occupation of the building a notice in the form No. 1 in the Schedule to this Act, and shall forward a copy of the notice to the Corporation.

5 (2) After the expiration of a period of seven days from the service of any such notice the Corporation may take such measures to destroy the termites as it thinks fit, and for that purpose the Corporation may  
10 be necessary for the purpose of obtaining access to the parts infested by the termites. Any parts of the building so removed shall be replaced by the Corporation after the completion of the measures taken  
15 in the same order and condition as it was in before the measures were taken.

(3) The Corporation and the local authority may agree, on such terms and conditions as they think fit, that the local authority shall take the measures  
20 necessary to destroy the termites, and in any such case the local authority shall have the powers vested in the Corporation under the *last preceding* subsection and shall be subject to the obligations to which the Corporation is subject under that subsection.

25 **11.** (1) If there are termites in any building within the district of a local authority to which this Act applies and the local authority is of opinion that the removal and destruction of timber from the building is necessary for the purpose of destroying the termites,  
30 whether or not measures have previously been taken under the *last preceding* section, it shall cause to be served on the owner of the building a notice, in the form No. 2 in the Schedule to this Act, requiring the owner of the building, under the supervision of the local  
35 authority, to remove, and destroy immediately thereafter by burning, such timber and to take all such other measures as appear to the local authority to be necessary to destroy the termites, and, if the local authority considers it expedient, requiring the restoration of the  
40 building to the same habitable or otherwise usable condition as it was in at the date of the notice.

Removal of  
affected parts  
of buildings.

(2) Every notice under the *last preceding* subsection shall state the estimated cost of such removal, destruction, and other measures, and of the restoration of the building if that is required.

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

(4) The owner of any building who has been served with any notice under this section shall, before such date (being not earlier than *twenty-two* days after the service of the notice on the owner) as may be fixed by the local authority, and in such manner as may be directed by the local authority, remove and destroy such timber and take all such other measures as may be required by the local authority for the destruction of the termites, and, if the notice requires the restoration of the building, the owner shall restore the building to the same habitable or otherwise usable condition as it was in at the date of the notice. 10 15 20

Appeals from notices.

**12.** (1) Within *twenty-one* days after any notice under the *last preceding* section is served on the owner of any building, the owner or any other person having an estate or interest in the land whereon the building is situated may give to the local authority notice of appeal. 25

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

(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. 30

(4) The procedure for the institution, hearing, and determination of the appeal in the Magistrate's Court 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 that Court. 35 40



(5) On any such appeal the Magistrate's Court may award such costs as it deems just either against the local authority or against the appellant.

(6) On any such appeal the Magistrate's Court  
5 may cancel 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.

**13.** (1) If any owner on whom a notice is served  
10 under section *eleven* of this Act fails or neglects to perform or do any act or thing required of him under that section before such date as may be fixed by the local authority or in such manner as may be directed by the local authority, the local authority may itself do  
15 or perform that act or thing.

(2) All moneys expended by the local authority under this section and interest thereon calculated up to the date of payment thereof at the authorized rate shall be recoverable in any Court of competent juris-  
20 diction as a debt due to the local authority by the owner.

**14.** (1) The local authority may make advances to  
any owner on whom a notice is served under section  
*eleven* of this Act for the purpose of enabling him to  
25 comply in all respects with the requirements of the local authority under that section, 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 shall be deemed to be an advance for the purposes of this  
30 section.

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

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  
45 instalments at any time with interest up to and including the date of payment.

(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:— 5

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

(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. 15

(4) On being satisfied after full inquiry that undue hardship would be caused if the owner had to pay in full any amount due under this section, the local authority may, if it thinks fit, remit the payment of any interest by the owner, either wholly or in part or for any period or periods, and may also, if it thinks fit, remit the payment of any part of the principal. 20 25

(5) In any case where under the *last preceding* subsection the local authority remits the payment of any part of the principal, the Minister of Finance may, without further appropriation than this section, pay out of the Consolidated Fund to the local authority such amount not exceeding one-half of the amount so remitted as the Minister of Finance thinks fit. 30

Special provisions as to telegraph poles, &c.

**15.** (1) If there are any termites in any telegraph, electric-power, electric-light, or tramway pole or in any timber being part of a wharf or in any railway-sleeper or tramway-sleeper situated in the district of a local authority to which this Act applies and the local authority is of opinion that the termites may be destroyed without destroying the pole, timber, or sleeper affected by the termites, the local authority shall cause to be served on the owner of the pole, timber, or sleeper a notice that measures will be taken to destroy the termites after the expiration of seven days from the service of the notice, and shall forward a copy of the notice to the Corporation. 35 40 45

(2) After the expiration of the period of seven days the Corporation may take such measures to destroy the termites as it thinks fit, or, by agreement with the Corporation, the local authority may take  
5 such measures to destroy the termites as the local authority thinks fit. Any agreement between the Corporation and a local authority for the purposes of this subsection may contain such terms and conditions as the parties thereto think fit.

10 (3) If there are any termites in any telegraph, electric-power, electric-light, or tramway pole or in any timber being part of a wharf or in any railway-sleeper or tramway-sleeper situated in the district of  
15 a local authority to which this Act applies and the local authority is of opinion that the termites cannot be destroyed without destroying the pole, timber, or sleeper affected by the termites, the local authority shall cause to be served on the owner thereof a notice  
20 requiring the owner to destroy the pole, timber, or sleeper by immediate burning and to take all such other measures under the supervision of the local authority as appear to the local authority to be necessary to destroy the termites.

(4) Within *twenty-one* days after any notice is  
25 served under the *last preceding* subsection the owner on whom it is served may give to the local authority notice of appeal, and the provisions of subsections *two* to *six* of section *twelve* of this Act shall thereupon apply.

(5) Every owner served with a notice under  
30 subsection *three* of this section shall, before such date (being not earlier than *twenty-two* days after the service of the notice) as may be fixed by the local authority, and in such manner as may be directed by the local authority, destroy the pole, timber, or sleeper  
35 referred to in the notice and take all such other measures as may be required by the local authority for the destruction of the termites.

(6) If any owner on whom a notice is served under  
40 subsection *three* of this section fails or neglects to perform or do any act or thing required of the owner under this section before such date as may be fixed by the local authority or in such manner as may be directed by the local authority, the local authority may itself do  
45 or perform that act or thing and may also replace the pole, timber, or sleeper, and the costs, charges, and

expenses incurred by the local authority under this subsection and interest thereon calculated up to the date of payment thereof at the authorized rate shall be recoverable in any Court of competent jurisdiction as a debt due to the local authority by the owner. 5

Powers of  
Minister on  
default by  
local authority.

**16.** (1) If any local authority to which this Act applies fails or neglects to take such steps or to do such acts under this Act for the detection, control, or destruction of termites as in the opinion of the Minister are necessary, the Minister may take those steps or do those 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 lending under 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. 10 15

(2) For the purposes of this section the Minister shall have all the powers and rights of a local authority to which this Act applies, and shall in the exercise of those powers and rights be subject to the obligations to which such a local authority is subject. 20

(3) The Minister may authorize the Corporation to exercise any of his powers under this section. 25

Recovery of  
expenditure by  
State Advances  
Corporation.

**17.** (1) Any moneys expended by the Corporation in doing or performing pursuant to the *last preceding* section any act or thing required of an owner under section *eleven* of this Act shall be paid out of the Housing Account. The amount thereof, 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. 30 35

(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 40

rate at which the Corporation is for the time being lending under section *nineteen* 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.

5 (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* to *five* of section *fourteen* of this Act shall apply in respect of  
10 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 *thirteen* of this Act.

(5) Unless the total liability of the local authority  
15 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  
20 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  
25 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 Corporation or by the local authority.

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

18. (1) Any local authority to which this Act  
30 applies 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 to enable it to make advances under this Act.

Borrowing by local authorities for purposes of this Act. *Ibid.*, Vol. V, p. 365

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

40 19. (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 this Act.

Loans to local authorities by State Advances Corporation.

See Reprint  
of Statutes,  
Vol. V, p. 360

(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. 5

Certain  
expenses  
payable out of  
Housing  
Account.

**20.** The Corporation may from time to time, with the approval of the Minister of Finance, pay out of the Housing Account any expenses incurred in the carrying-out of any of the functions of the Minister under section *four* of this Act or incurred in the carrying-out of any measures under section *ten* of this Act. 10 15

Certificates as  
to inspection  
of buildings.

**21.** (1) Any person may make application to a local authority to which this Act applies for an Inspector to inspect any building and, if the inspection fails to disclose that there are termites in the building, for a certificate to that effect. 20

(2) Any such certificate shall be in the form No. 3 in the Schedule to this Act and shall be signed by the Inspector or by an authorized officer of the local authority. 25

Restricting use  
of second-hand  
or affected  
timber.

**22.** (1) No person shall use in the erection of any building, whether or not within the district of a local authority to which this Act applies, any timber which is visibly affected by termites. 25

(2) No person shall use in the erection of any building any timber that has been previously used in any building within the district of a local authority to which this Act applies unless the timber has first been inspected by an Inspector and the Inspector has issued a certificate that the timber is not visibly affected by termites. 30 35

(3) Any person who uses any timber in contravention of this section commits an offence and shall be liable on summary conviction to a fine of *twenty* pounds, and on the certificate of an Inspector that the timber is affected by termites the local authority within whose district the timber has been so used (whether or not this Act applies to that local 40

authority) may cause the timber to be removed and destroyed without complying with the foregoing provisions of this Act as to the removal and destruction of timber, and the cost of such removal and  
 5 destruction and interest thereon calculated up to the date of payment thereof at the authorized rate shall be recoverable in any Court of competent jurisdiction as a debt due to the local authority by the person using the timber, and shall, until payment, be a charge on the  
 10 land on which the building was erected.

23. Every person commits an offence against this Act and shall be liable on summary conviction to a fine of *twenty* pounds who obstructs, hinders, impedes, resists, or opposes any person in exercising or attempt-  
 15 ing to exercise any powers conferred on him by or pursuant to this Act.

Obstruction of officers.

24. If the occupier or the agent of the owner of any premises, on being requested by an Inspector to state the name and address of the owner of the premises,  
 20 refuses or wilfully omits to disclose or wilfully misstates the same, he commits an offence and shall be liable on summary conviction to a fine of *five* pounds.

Failure to disclose name of owner of premises.

25. If in the performance of any duty imposed on him by this Act the owner of any premises is in any way obstructed or hindered by the occupier or by any other person, the occupier or other person shall be liable to a fine of *five* pounds for every day on which he obstructs or hinders the owner.

Interference with owner by occupier.

26. (1) If the owner or occupier of any premises  
 30 situate in the district of a local authority to which this Act applies becomes aware of the existence of termites in or upon the premises he shall forthwith give notice thereof to the local authority.

Notification of existence of termites.

(2) Any person who fails to comply with the  
 35 requirements of this section commits an offence and shall be liable on summary conviction to a fine of *twenty* pounds.

27. (1) Any notice, requisition, or other document required to be served on any person for the purposes  
 40 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 document so posted shall be deemed to have been served at the time when the  
 45 registered letter would in the ordinary course of post be delivered.

Service of documents.

(2) If any notice, requisition, or other document as aforesaid 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, requisition, or other document may be served by affixing it on some conspicuous part of the premises. 5

Moneys payable to local authorities under Act to be charge on property.

**28.** (1) All moneys payable to any local authority by the owner of any property in respect of work done or materials provided on or to the property under this Act or in respect of advances made under this Act for the purpose of enabling the owner to comply with any requirements made thereunder as to the property shall be a charge on the estate or interest of the owner in the property. 10 15

(2) Every charge on property 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 Act, if any property subject to a charge created by this Act is also subject to a charge created by that other Act, the charges shall rank equally with each other unless by virtue of that other Act the charge created thereby would be deferred to the charge created by this Act. 20 25

Owner may recover interest on cost from tenant under lease with not less than three years unexpired.

**29.** (1) If an owner of any property pays money to a local authority in respect of work done on or to the property under this Act or in respect of any advance made under this Act for the purpose of enabling the owner to do any such work in order to comply with any requirements made under this Act, or if the owner without obtaining an advance does any such work as aforesaid, and if at the time of the completion of the work (to be certified under the hand of the Inspector) the property whereon the work has been done is held by a tenant under the owner having a term of at least three years then unexpired, the owner may recover from the tenant, in like manner as if the same were rent reserved under the tenancy, interest on the amount of the money so paid by the owner or, as the case may be, on the cost of the work so done by the owner calculated at the rate of five per centum per annum during the unexpired 30 35 40 45



term of the tenancy from the date of payment of the money or of payment of the cost of the work. The interest shall be payable yearly at the end of each year during the residue of the term.

5 (2) If the tenant paying interest under the *last preceding* subsection has, at the time of the payment, a tenant under him with at least three years' unexpired tenancy, he may recover the amount of the interest so paid by him from the last-mentioned tenant.

10 **30.** (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.

15 (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:—

20 (a) Prescribing the form of any documents, reports, certificates, or notices required for the purposes of this Act or for the purposes of regulations made under this Act:

25 (b) Prescribing the manner in which local authorities shall cause inspections to be made in their districts and the times for the making of such inspections:

30 (c) Prescribing matters to be provided for in the erection of any building for the purpose of preventing infestation by termites and for the purpose of enabling adequate inspections of the building to be made from time to time:

35 (d) Authorizing the local authority or the Corporation to pull down, remove, or alter any building erected in contravention of any regulation made under this Act and to recover from the person committing the breach all costs, charges, and expenses incurred by the local authority or by the Corporation in connection with the pulling-down, removal, or alteration; making the amount of those costs, charges, and expenses a charge on the land; and providing that the exercise of this

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authority shall not relieve the person committing the breach from liability to any penalty incurred by reason of such breach:

- (e) Prescribing procedure for the institution, hearing, and determination of appeals under this Act: 5
- (f) Prescribing matters in respect of which fees are to be payable under this Act or under regulations made under this Act, the persons liable to pay the fees and the persons to whom the fees are payable: 10
- (g) Authorizing the refund or remission, in such circumstances as may be prescribed, of any fees payable under this Act or under regulations made under this Act: 15
- (h) Prescribing the qualifications to be possessed by persons appointed as Inspectors of Termites under this Act:
- (i) Prescribing fines for the breach of any regulation made under this Act, not exceeding *twenty* pounds in any case or, where the breach is a continuing one, not exceeding *five* pounds for every day or part of a day during which the breach continues. 20

(3) Any regulations made under this section may apply generally throughout New Zealand or within any specified part or parts thereof, and may from time to time be applied by the Minister by notice in the *Gazette* to any part of New Zealand, and any such notice may at any time in like manner be revoked or varied. 30

(4) The operation of any regulations made under this section may, if so provided therein, be wholly suspended until they are applied by the Minister by notice pursuant to the *last preceding* subsection.

(5) In so far as the by-laws of any local authority are inconsistent with or repugnant to any regulations under this section in force in the district of that local authority, the by-laws shall be deemed to be subject to the regulations. 35

(6) Any regulations under this section may provide that it shall be the duty of every local authority within whose district the regulations apply to enforce them effectively, and if in any such case a local authority fails so to do the Corporation may enforce those regulations in the district of that local authority and the costs, charges, and expenses thereof shall be recoverable from the local authority in any Court of competent 40 45

jurisdiction as a debt due to the Crown, or the amount thereof may be deducted from any subsidy or other moneys that may from time to time be payable to that local authority out of public moneys.

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SCHEDULE.

Schedule.

[Form No. 1.

Section 10.

NOTICE OF INTENTION TO TREAT AFFECTED PARTS OF BUILDING.

*The Termites Act, 1940.*

To A. B. [*Person in occupation*],  
[*Address*].

TAKE notice that there are termites in the building occupied by you, being [*Description and address of building*], and that, pursuant to section 10 of the Termites Act, 1940, measures will be taken to destroy the termites after the expiration of seven days from the service of this notice.

C. D.,

Clerk to the Council [*or Board*].

Section 10 of the Termites Act, 1940, is as follows: [*Here set out section*].

[Form No. 2.

Section 11.

NOTICE TO REMOVE AFFECTED PARTS OF BUILDING.

*The Termites Act, 1940.*

To E. F. [*Owner of building*],  
[*Address*].

TAKE notice that there are termites in the building owned by you, being [*Description and address of building*], and that, pursuant to section 11 of the Termites Act, 1940, the under-mentioned local authority, being a local authority to which that Act applies, being of opinion that the removal and destruction of timber is necessary for the purpose of destroying the termites, hereby requires you, under the supervision of the said local authority, to remove, and destroy immediately thereafter by burning, the timber mentioned in the schedule hereto, and to take the other measures therein mentioned [*If necessary add the following*: and to restore the building to the same habitable or otherwise usable condition as it is now in]. The estimated cost of such removal, destruction, and other measures [*If necessary add*: including restoration of the building] is £ .

## SCHEDULE.

Timber to be removed and destroyed and other measures to be taken:

G. H.,

Clerk to the Council [*or Board*].

Sections 11 and 12 of the Termites Act, 1940, are as follows: [*Here set out sections*].

Section 21.

[Form No. 3.]

## CERTIFICATE OF INSPECTION OF BUILDING.

*The Termites Act, 1940.*

THE Council [or Board], being a local authority to which the above-mentioned Act applies, hereby certifies that an Inspector of Termites inspected the building described in the schedule hereto on [*Date of inspection*], and that such inspection failed to disclose that there were termites in such building at the time of inspection.

SCHEDULE.

I. J.,

Inspector [or authorized Officer  
of the Council or Board].