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1988/229



THE PROTECTION OF PERSONAL AND PROPERTY RIGHTS REGULATIONS 1988

RONALD DAVISON
Administrator of the Government

ORDER IN COUNCIL

At Wellington this 3rd day of October 1988

Present:

HIS EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT IN COUNCIL
PURSUANT to section 112 of the Protection of Personal and Property Rights
Act 1988, His Excellency the Administrator of the Government, acting by
and with the advice and consent of the Executive Council, hereby makes
the following regulations.

ANALYSIS

1. Title and commencement
2. Interpretation
3. Statement of property commencement of managership
4. Annual statement of management
5. Final statement of management

at

6. Remuneration of Public Trustee or accountant for examining manager's statement
7. Notice of existing managership
8. Programme for reviewing existing managerships
9. Transfer of records
10. Revocations
Schedule

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Protection of Personal and Property Rights Regulations 1988.

(2) These regulations shall come into force on the 1st day of November 1988.

2. Interpretation—In these regulations, unless the context otherwise requires, “the Act” means the Protection of Personal and Property Rights Act 1988.

3. Statement of property at commencement of managership—(1) Every statement required by section 45 (2) (a) of the Act to be filed by a manager within 3 months after the date of the commencement of his or her managership shall be in form 1 in the Schedule to these regulations.

(2) Every such statement shall contain the following particulars:

- (a) A description of the property to which the property order relates;
- (b) An estimated value of the property, together with an indication of the method of valuation used to value the property;
- (c) Particulars of the condition of the property;
- (d) Particulars of rent, interest, and other income (if any) payable to the person for whom the manager is acting and derived from any property to which the property order relates;
- (e) The names of the persons by whom any such rent, interest, or other income is payable;
- (f) Particulars of the liabilities (whether present, future, or contingent) of the person for whom the manager is acting, being liabilities that the manager has power to meet.

4. Annual statement of management—(1) Every statement required by section 45 (2) (b) of the Act to be filed by a manager within 30 days after the expiry of each year during which his or her managership continues shall be in form 2 in the Schedule to these regulations.

(2) Every such statement shall contain the following particulars:

- (a) Particulars of the matters specified in paragraphs (a), (b), and (f) of regulation 3 (2) of these regulations, updated to the end of the year to which the statement relates;
- (b) In respect of each matter specified in paragraphs (c) to (e) of regulation 3 (2) of these regulations, particulars of any changes that have occurred during the year or (as the case may require) a statement that no changes have occurred during the year;
- (c) Full and detailed accounts for the year, showing the receipts and payments for the year, and including the following matters:
 - (i) The gross amounts received from the sale of any property to which the property order relates, including any sums received but retained or deducted by any solicitor, auctioneer, commission agent, broker, or other agent;
 - (ii) The gross income derived (whether by way of rent, interest, or otherwise) from each item of property to which the property order relates, including any sums received but retained or deducted by any solicitor, auctioneer, commission agent, broker, or other agent;
 - (iii) Payments to or on behalf of the person for whom the manager is acting, and payments to or on behalf of the spouse or any child of that person;
 - (iv) Other disbursements, including any sums received but retained or deducted by any solicitor, auctioneer, commission agent, broker, or other agent.

(3) For the purpose of such accounts, periodical receipts or payments of the same kind may be aggregated.

5. Final statement of management—(1) Every statement required by section 45 (2) (c) of the Act to be filed by a person within 30 days after the date on which the person ceases in accordance with section 52 of the Act to hold office as manager shall be in form 3 in the Schedule to these regulations.

(2) Every such statement shall contain the following particulars:

- (a) Particulars of the matters specified in paragraphs (a) to (f) of regulation 3 (2) of these regulations, updated to the date on which the person ceased to hold office as manager:
- (b) Full and detailed accounts, showing the receipts and payments for the period commencing with the day after the last anniversary of the date on which the management commenced and ending with the date on which management ceased, including the matters specified in subparagraphs (i) to (iv) of regulation 4 (2) (c) of these regulations.

(3) For the purpose of such accounts, periodical receipts or payments of the same kind may be aggregated.

6. Remuneration of Public Trustee or accountant for examining manager's statement—(1) Where the Public Trustee, or a chartered accountant appointed by the Public Trustee, examines any statement and files a report on it in the Court under section 46 of the Act, remuneration shall be payable to the Public Trustee or the chartered accountant for those services at the rate of \$132.00 per hour.

(2) The fee fixed by subclause (1) of this regulation is inclusive of goods and services tax under the Goods and Services Tax Act 1985.

7. Notice of existing managership—(1) The notice required by subsection (6) of section 117 of the Act to be given to a Court by any person who is deemed by subsection (3) or subsection (4) of that section to be a manager appointed under the Act shall be given to the Court in which, if an application were to be made for a property order in respect of the person for whom the manager is acting, such an application would be filed.

(2) Every such notice shall be in form 4 in the Schedule to these regulations.

8. Programme for reviewing existing managerships—(1) As soon as practicable after giving notice in accordance with subsection (6) of section 117 of the Act of each case in which it is deemed by subsection (3) or subsection (4) of that section to be a manager appointed under the Act, a trustee corporation shall prepare and file in the Court in which the notice was filed a draft programme for the progressive review of all such cases.

(2) Subject to subclause (3) of this regulation, the draft programme shall provide as follows:

- (a) That the cases shall be reviewed in chronological order according to the date on which the trustee corporation was appointed manager:
- (b) That the cases falling within given periods of time shall be reviewed by the date nominated in respect of each such period.

(3) The draft programme may specify in respect of any particular case a date by which that case shall be reviewed, and that date may be earlier or later than the relevant date nominated under subclause (2) (b) of this regulation.

(4) After considering the draft programme, and hearing the trustee corporation and any other person that the Court thinks fit to hear, the Court shall approve or modify the programme; and the dates specified by the Court for the review of any case or class of case shall be the date of the first review for the purposes of section 87 of the Act.

9. Transfer of records—(1) This regulation applies to every case where, immediately before the commencement of the Act, any person was acting as manager of any estate or property under the Aged and Infirm Persons Protection Act 1912.

(2) In any case to which this regulation applies, the relevant records of the High Court shall be transferred to the appropriate District Court upon request by the Registrar of that District Court.

10. Revocations—The following rules and order are hereby revoked:

- (a) The Aged and Infirm Persons Protection Rules 1936*;
- (b) The Mental Health (Specified Sum) Order 1986†.

*Gazette 1936, Vol. II, p. 1223
†S.R. 1986/295

SCHEDULE

FORMS

FORM 1

Reg. 3 (1)

Section 45 (2) (a), Protection of Personal and Property Rights Act 1988

STATEMENT OF PROPERTY

[Full name of the manager] was appointed by this Court (or the Court at) on the day of 19.... to act as manager of the property (or of certain property) of [Full name of the person for whom the manager is acting] of [Address], [Occupation].

OR

[Name of the manager] filed in this Court (or the Court at) on the day of 19.... a copy of an application under section 32 (or section 33) of the Protection of Personal and Property Rights Act 1988 and thereby became the manager of the property (or of certain property) of [Full name of the person for whom the manager is acting] of [Address], [Occupation].

This is the manager's statement of property required by section 45 (2) (a) of the Protection of Personal and Property Rights Act 1988.

The manager states:

1. [Describe the property to which the property order relates, and give an estimated value of the property.]
2. [State the method of valuation used in valuing the property.]
3. [Describe the condition of the property.]
4. [State the amounts payable to the person for whom the manager is acting by way of rent, interest, or other income derived from the property.]
5. [State the liabilities (whether present, future, or contingent) of the person for whom the manager is acting, being liabilities that the manager has power to meet, and give the amount or estimated amount of each liability.]

Dated at this day of 19....

.....

Manager

SCHEDULE—continued

FORMS—continued

FORM 2

Reg. 4 (1)

Section 45 (2) (b), Protection of Personal and Property Rights Act 1988

ANNUAL STATEMENT OF MANAGEMENT

[Full name of the manager] was appointed by this Court (or the Court at on the day of 19.... to act as manager of the property (or of certain property) of [Full name of the person for whom the manager is acting] of [Address], [Occupation].

OR

[Name of the manager] filed in this Court (or the Court at on the day of 19.... a copy of an application under section 32 (or section 33) of the Protection of Personal and Property Rights Act 1988 and thereby became the manager of the property (or of certain property) of [Full name of the person for whom the manager is acting] of [Address], [Occupation].

This is the manager’s statement required by section 45 (2) (b) of the Protection of Personal and Property Rights Act 1988 in respect of the year ending on the day of19....

The manager states:

PART A

1. [Describe the property to which the property order relates, and give an estimated value of the property as at the end of the year to which the statement relates.]
2. [State the method of valuation used in valuing the property.]
3. [State whether or not there has been during the year any change in the condition of the property (other than by virtue of fair wear and tear), and, if there has been any such change, give particulars of the present condition of the property.]
4. [State whether or not there has been during the year any change in the amounts payable to the person for whom the manager is acting, whether by way of rent, interest, or other income, derived from the property, or in the persons by whom the amounts are payable, and, if there has been any such change, give particulars of the present position. If this information is contained in the accounts filed under Part B of this form, it is sufficient to draw attention to the relevant item or items in those accounts.]
5. [State the liabilities (whether present, future, or contingent) of the person for whom the manager is acting in respect of the property as at the end of the year, being liabilities that the manager has power to meet, and give the amount or estimated amount of each liability. If this information is contained in the accounts filed under Part B of this form, it is sufficient to draw attention to the relevant item or items in those accounts.]

PART B

The following are the accounts for the year:

[Set out or attach full and detailed accounts for the year, showing the receipts and payments for the year, and including the following matters:

- (a) The gross amounts received from the sale of any property to which the property order relates, including any sums received but retained or deducted by any solicitor, auctioneer, commission agent, broker, or other agent:

SCHEDULE—continued

FORMS—continued

- (b) *The gross income derived (whether from rents, interest, or otherwise) from each item of property to which the property order relates, including any sum received but retained or deducted by any solicitor, auctioneer, commission agent, broker, or other agent:*
- (c) *Payments to or on behalf of the persons for whom the manager is acting, and payments to or on behalf of the spouse or any child of that person:*
- (d) *Other disbursements, including any sums received but retained or deducted by any solicitor, auctioneer, commission agent, broker, or other agent.]*

Dated at this day of 19....

.....
Manager

Reg. 5 (1)

FORM 3

Section 45 (2) (c), Protection of Personal and Property Rights Act 1988

FINAL STATEMENT OF MANAGEMENT

[Full name of the former manager] was appointed by this Court (or the Court at) on the day of 19.... to act as manager of the property (or of certain property) of [Full name of the person for whom the manager was acting] of [Address], [Occupation].

OR

[Name of former manager] filed in this Court (or the Court at on the day of 19.... a copy of an application under section 32 (or section 33) of the Protection of Personal and Property Rights Act 1988 and thereby became the manager of the property (or of certain property) of [Full name of the person for whom the manager was acting] of [Address], [Occupation].

This is the former manager's statement required by section 45 (2) (c) of the Protection of Personal and Property Rights Act 1988 in respect of the period ending on the day of 19....

The former manager states:

PART A

1. [Describe the property to which the property order related, and give an estimated value of the property as at the end of the period to which the statement relates.]
2. [State the method of valuation used in valuing the property.]
3. [Describe the condition of the property as at the end of the period to which the statement relates.]
4. [State the amounts payable to the person for whom the manager was acting by way of rent, interest, or other income derived from the property, and the persons by whom they were payable, as at the end of the period to which the statement relates. If this information is contained in the accounts filed under Part B of this form, it is sufficient to draw attention to the relevant item or items in those accounts.]

SCHEDULE—continued

FORMS—continued

5. [State the liabilities (whether present, future, or contingent) of the person for whom the manager was acting, as at the end of the period to which the statement relates, being liabilities that the manager has power to meet, and give the amount or estimated amount of each liability. If this information is contained in the accounts filed under Part B of this form, it is sufficient to draw attention to the relevant item or items in those accounts.]

PART B

The following are the accounts for the period:

[Set out or attach full and detailed accounts for the period showing the receipts and payments for the period, and including the following matters:

- (a) The gross amounts received from the sale of any property to which the property order related, including any sums received but retained or deducted by any solicitor, auctioneer, commission agent, broker, or other agent:
- (b) The gross income derived (whether from rent, interest, or otherwise) from each item of property to which the property order related, including any sum received but retained or deducted by any solicitor, auctioneer, commission agent, broker, or other agent:
- (c) Payments to or on behalf of the persons for whom the manager is acting, and payments to or on behalf of the spouse or any child of that person:
- (d) Other disbursements, including any sums received but retained or deducted by any solicitor, auctioneer, commission agent, broker, or other agent.]

Dated at this day of 19....

.....
Former Manager

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SCHEDULE—continued

FORMS—continued

FORM 4

Reg. 7 (2)

NOTICE BY TRUSTEE CORPORATION OF EXISTING MANAGERSHIPS
Section 117 (6), Protection of Personal and Property Rights Act 1988

To: The Registrar
District Court at

[Name of trustee corporation], being a trustee corporation within the meaning of the Protection of Personal and Property Rights Act 1988, notifies you of the following cases in which, by virtue of subsection (3) or subsection (4) of section 117 of that Act, the corporation is deemed to be a manager appointed under that Act.

Surname (alphabetical order)	Given name(s)	Date on which Corporation appointed as manager	Act under which Corporation appointed as manager

Signed by [Name and designation of officer] on behalf of
[Name of trustee corporation]

At

Date

MARIE SHROFF,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 November 1988, prescribe certain forms and particulars in respect of statements and notices to be filed by managers under the Protection of Personal and Property Rights Act 1988. That Act comes into force on that date.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 6 October 1988.

These regulations are administered in the Department of Justice.