

6 ELIZ. II. No. 40, 1957. *State Housing Acts, Etc., Amendment Act.*

GOVERNOR'S PENSION.

See CONSTITUTION.

HOUSING.

An Act to Provide for the Freeholding of Lands Appurtenant to Homes to the Purchase whereof "The State Housing Acts, 1945 to 1955," or "The Workers' Homes Acts, 1919 to 1953," apply, and for that purpose to Amend those Acts.

6 ELIZ. II.
No. 40.
THE STATE
HOUSING ACTS
AND ANOTHER
ACT
AMENDMENT
ACT OF 1957.

[ASSENTED TO 20TH DECEMBER, 1957.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I.—PRELIMINARY.

PART I.—
PRELIMINARY.

1. (1.) This Act may be cited as "*The State Housing Acts and Another Act Amendment Act of 1957.*" Short title.

*(2.) This Act shall come into force on a date to be fixed by the Governor in Council by Proclamation published in the *Gazette*. Commencement of Act.

2. This Act is divided into Parts as follows:— Parts of Act.

PART I.—PRELIMINARY ;

PART II.—PROVISION FOR THE FREEHOLDING OF CERTAIN LEASEHOLDS HELD UNDER † "THE STATE HOUSING ACTS, 1945 TO 1957" ;

PART III.—PROVISION FOR THE FREEHOLDING OF CERTAIN LEASEHOLDS HELD UNDER ‡ "THE WORKERS' HOMES ACTS, 1919 TO 1953" ;

PART IV.—AMENDMENTS OF † "THE STATE HOUSING ACTS, 1945 TO 1955" ;

PART V.—AMENDMENTS OF ‡ "THE WORKERS' HOMES ACTS, 1919 TO 1953."

* Commenced 9 Jan., 1958. (Proc. publ. *Gaz.* 11 Jan., 1958, p. 119).

† 9 G. 6 No. 24 and amending Acts.

‡ 10 G. 5 No. 7 and amending Acts.

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PART II.—PROVISION FOR THE FREEHOLDING OF CERTAIN LEASEHOLDS HELD UNDER **“THE STATE HOUSING ACTS, 1945 TO 1957.”*

Interpreta-
tion.

3. This Part of this Act shall be read as one with *“The State Housing Acts, 1945 to 1957.”*

Conversion
of certain
tenures from
Perpetual
Leases to
leases for
term of
years with
freeholding
covenant.

4. A lessee of a Perpetual Town Lease or a Perpetual Suburban Lease acquired and held under the provisions of subsection six of section twenty-four of **“The State Housing Acts, 1945 to 1957,”* may apply in writing to the Commission to have his lease deemed a lease for a term determined in accordance with the provisions of section seven of this Act and subject to a covenant entitling the lessee to a deed of grant in fee-simple (hereinafter in this Part II. called a “freeholding lease”).

Purchasing
price.

5. (1.) The purchasing price of the land comprised in a lease deemed, pursuant to this Part II. of this Act, to be a freeholding lease shall be the amount of the unimproved value, as at the date of the receipt by the Commission of the application referred to in section four of this Act, of that land as determined, at the option of the lessee,—

- (a) If there is then subsisting a valuation of that unimproved value made by the Valuer-General pursuant to the provisions of †*“The Valuation of Land Acts, 1944 to 1953,”* at that valuation; or
- (b) By the Land Court; or
- (c) By the Valuer-General.

In every case the lessee shall exercise his option under this section by stating in the application referred to in section four of this Act or in a separate writing given to the Commission the manner in which he desires the purchasing price to be determined.

Valuation
by Land
Court.

(2.) (a) In every case where the lessee desires the purchasing price to be determined by the Land Court the Commission shall refer, or cause to be referred, to that Court for hearing and determination the matter of the amount of the unimproved value of the land comprised in the lease in question and thereupon that Court shall hear and determine that matter.

* 9 G. 6 No. 24 and amending Acts.

† 8 G. 6 No. 3 and amending Acts.

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(b) The jurisdiction of the Land Court to hear and determine, pursuant to this subsection, the amount of the unimproved value of the land comprised in any lease the subject of an application referred to in section four of this Act shall be and is hereby vested in one member only, whose determination shall be final.

An appeal shall not lie to the Land Appeal Court or to any other court or tribunal from a determination of the Court upon a reference under this section nor shall any such determination be reviewed, quashed or otherwise called in question in any proceeding whatsoever.

(c) For the purposes of this subsection, the unimproved value of any land shall be the amount which, in the opinion of the Court, experienced persons would be willing to pay for the fee-simple of the land, assuming it were unimproved, and were offered for sale on such reasonable terms and conditions as a *bona fide* seller would require.

(3.) In every case where the lessee desires the purchasing price to be determined by the Valuer-General, the Commission shall request the Valuer-General to make a valuation and the Valuer-General shall thereupon make, in accordance with the provisions of **The Valuation of Land Acts, 1944 to 1953*,” a valuation of the unimproved value of the land comprised in the lease in question.

Valuation
by Valuer-
General.

The lessee, if dissatisfied with the valuation, shall have and may exercise all the rights conferred upon an owner of land by Part VI. of **The Valuation of Land Acts, 1944 to 1953*,” and the provisions of the said Part VI. shall, with and subject to all necessary adaptations, apply to any valuation made pursuant to this subsection.

(4.) When the purchasing price has been determined the Commission shall give to the lessee notice in writing of the amount thereof.

(5.) The valuation of the unimproved value of any land determined by the Land Court or made by the Valuer-General pursuant to this section shall have no force or effect save for the purpose for which that valuation is so determined or made.

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elect
whether to
proceed
with
application.

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6. (1.) The lessee shall, within thirty days from the date when he receives from the Commission notification in writing of the purchasing price, notify the Commission in writing where he elects to proceed with his application under this Part of this Act.

(2.) Every application under this Part of this Act shall lapse at the expiration of thirty days after the date when the Commission gives to the lessee notice in writing of the amount of the purchasing price unless the lessee has sooner notified the Commission in writing that he elects to proceed therewith :

Provided that a lessee may, with the prior approval of the Commission, make a second or any subsequent application under this Part of this Act notwithstanding that any prior such application made by him has lapsed.

(3.) A notice under this section in respect of any lease shall not affect or prejudice howsoever any mortgage or other encumbrance, estate or interest then subsisting over, upon, or in the land comprised in the lease.

(4.) A lessee who elects to proceed with his application under this Part of this Act shall be deemed to comply with the requirements of the perpetual lease with respect to the payment of rent, if he pays rent, until and including the day preceding the quarter day when the term of the freeholding lease commences, at the rate thereof actually payable at the date when the Commission receives the notice referred to in section four of this Act.

(5.) Upon an application lapsing, the Commission, in its discretion, may require the lessee to pay the whole or such part of the costs incurred by it for any valuation by the Land Court pursuant to subsection two, or by the Valuer-General pursuant to subsection three, of section five of this Act as it may determine and, if the lessee fails to pay the whole of the amount which pursuant to this subsection he is required to pay, the Commission may recover from the lessee in any Court of competent jurisdiction, by action as for a debt, the unpaid balance of any such amount.

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7. Upon and from the quarter day next following the receipt by the Commission pursuant to section six of this Act of notice from a lessee that he elects to proceed with his application under this Part of this Act the Perpetual Town Lease or Perpetual Suburban Lease, the subject of the application shall be deemed to be a freeholding lease—

Term of
the
freeholding
lease.

(a)—

- (i.) Where there is a subsisting contract of sale of a home erected on the land comprised in the lease and the unexpired term of that contract exceeds ten years, for a term equivalent to the unexpired term of the contract commencing on the quarter day next following the date when the Commission receives the notice ; or
- (ii.) Where there is a subsisting contract of sale of a home erected on the land comprised in the lease and the unexpired term of the contract does not exceed ten years, for a term of ten years commencing on the quarter day next following the date when the Commission receives the notice ; or
- (iii.) Where the contract of sale of a home erected on the land comprised in the lease has been fully performed, for a term of ten years commencing on the quarter day next following the date when the Commission receives the notice ; and

(b) Subject in every respect to the provisions of this Part II. of this Act,

and the Commission shall cause the lease to be endorsed in terms of this section.

8. Every lease deemed, pursuant to this Part II. of this Act to be a freeholding lease, shall be subject to the following provisions, terms and conditions :—

Terms and
conditions
of free-
holding
lease.

- (a) The purchasing price of the land comprised in the lease shall be the amount of the unimproved value, as determined, as prescribed by section five of this Act, of that land as at the date when the Commission receives the application referred to in section four of this Act ;

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- (b) The term of the lease shall commence on the quarter day next following the date when the Commission receives from the lessee, pursuant to section six of this Act, notice in writing of his election to proceed with his application;
- (c) The lessee shall pay, as prescribed by section nine of this Act, the purchasing price of the land;
- (d) The lessee shall pay, as prescribed by section nine of this Act, interest on the outstanding balance of the purchasing price;
- (e) Moneys paid as rent under the perpetual lease in respect of any time before the commencement of the term of the freeholding lease shall not be credited to the purchasing price;
- (f) Subject to paragraphs (a) to (e), both inclusive, of this section, all such terms and conditions as, pursuant to **“The State Housing Acts, 1945 to 1957,”* applied with respect to the lease in question as a perpetual lease.

Payment of
purchasing
price
including
interest
thereon.

9. (1.) In the case of a freeholding lease whereto subparagraph (i.) of paragraph (a) of section seven of this Act applies—

- (i.) The purchasing price of the land shall be added to and become part of the moneys payable to the Commission under the contract, and interest on the balance of the purchasing price outstanding at the beginning of each month shall be payable to the Commission by the lessee at the rate per centum per annum at which interest is payable in respect of a contract of sale pursuant to the Order in Council under section thirty-three of **“The State Housing Acts, 1945 to 1957,”* in force on the date when the Commission receives from the lessee, pursuant to section six of this Act, notice in writing of his election to proceed with his application; and

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- (ii.) From the commencement of the term of the freeholding lease, the monthly instalment payable under the contract and **“The State Housing Acts, 1945 to 1957,”* shall be increased to such sum as will liquidate both the moneys (including interest thereon) payable under the contract and the purchasing price (including interest thereon) of the land not later than the expiration of the term of the contract.

(2.) In the case of a freeholding lease whereto subparagraph (ii.) of paragraph (a) of section seven of this Act applies, the unexpired period of the term of the contract remaining at the date when the freeholding lease commences shall be extended and shall be ten years commencing on that date and—

- (i.) The purchasing price of the land shall be added to and become part of the moneys payable to the Commission under the contract, and interest on the balance of the purchasing price outstanding at the beginning of each month shall be payable to the Commission by the lessee at the rate per centum per annum at which interest is payable in respect of a contract of sale, pursuant to the Order in Council under section thirty-three of **“The State Housing Acts, 1945 to 1957,”* in force on the date when the Commission receives from the lessee, pursuant to section six of this Act, notice in writing of his election to proceed with his application ; and
- (ii.) From the commencement of the term of the freeholding lease, the monthly instalment payable under the contract and **“The State Housing Acts, 1945 to 1957,”* shall be altered to such sum as will liquidate both the moneys (including interest thereon) payable under the contract and the purchasing price (including interest thereon) of the land not later than the expiration of the extended term of the contract.

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(3.) In the case of a freeholding lease whereto subparagraph (iii.) of paragraph (a) of section seven of this Act applies—

- (i.) A deposit of one-twentieth of the amount of the purchasing price which shall accompany and be paid with the notice by the lessee that he elects to proceed with his application under this Part of this Act ; and
- (ii.) The balance of the purchasing price, together with interest on the amount thereof outstanding at the beginning of each year of the ten year term of the lease at the rate per centum per annum at which interest is payable in respect of a contract of sale, pursuant to the Order in Council under section thirty-three of **“ The State Housing Acts, 1945 to 1957,”* in force on the date when the Commission receives from the lessee, pursuant to section six of this Act, notice in writing of his election to proceed with his application, shall be liquidated by ten equal annual instalments payable respectively on or before the last day of each year of the ten year term of the lease, commencing with the first year thereof.

(4.) Notwithstanding any provision of **“ The State Housing Acts, 1945 to 1957,”* or any term or condition of the freeholding lease, the lessee may at any time complete payment in full of the purchasing price of the land paying—

- (a) In a case where the purchasing price of the land has been added to the moneys payable under the contract of sale of a home erected on the land, the unpaid amounts of the moneys payable under the contract and of the purchasing price of the land together with the interest payable in respect of those amounts up to the date of payment thereof ; and
- (b) In any other case, the unpaid amount of the purchasing price of the land together with the interest payable thereon up to the date of the payment thereof.

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(5.) Without prejudice to any other remedy had by it, the Commission may recover, by action as for a debt in any court of competent jurisdiction, any moneys due and not paid to it in respect of the purchasing price (including interest thereon) of the land comprised in a freeholding lease.

10. (1.) Every lease, deemed pursuant to this Part II. of this Act to be a freeholding lease, shall be deemed to contain a covenant that the Governor in Council shall in the name of Her Majesty, grant in fee-simple to the lessee the land comprised in the lease—

Freeholding
covenant.

- (a) Upon payment of all moneys, including interest thereon, payable in respect of the purchase of the land comprised in the freeholding lease and of the home erected thereon ;
- (b) Upon the due performance by the lessee of the terms and conditions of the contract of sale of the home erected on the land ; and
- (c) Upon the due performance by the lessee of all other terms and conditions binding upon him of the lease.

(2.) Upon a lessee becoming entitled to performance of the covenant referred to in subsection one of this section, the Commission shall surrender to the Crown any estate or interest of the Commission in the land concerned.

(3.) The Governor in Council shall, in the name of Her Majesty, grant in fee-simple any land to a person thereunto entitled under this Part II. of this Act.

(4.) Section one hundred and sixty of **“The Land Acts, 1910 to 1957,”* shall apply with respect to any deed of grant issued pursuant to this Part of this Act, and for the purposes of so applying that section the provisions thereof shall be read with and subject to all necessary adaptations, including by reading as a reference to the Commission any reference therein to the Department of Public Lands.

Section 160
of 1 Geo. V.
No. 15
applied.

* 1 G. 5 No. 15 and amending Acts.

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PART III.—PROVISION FOR THE FREEHOLDING OF CERTAIN LEASEHOLDS HELD UNDER *"THE WORKERS' HOMES ACTS, 1919 TO 1957."

Interpretation.

11. This Part of this Act shall be read as one with *"*The Workers' Homes Acts, 1919 to 1957.*"

Conversion of certain tenures from Perpetual Leases to leases for term of years with freeholding covenant.

12. A lessee of a Perpetual Town Lease or a Perpetual Suburban Lease acquired and held under the provisions of *"*The Workers' Homes Acts, 1919 to 1957,*" may apply in writing to the Corporation to have his lease deemed a lease for a term to be determined in accordance with the provisions of section fifteen of this Act, and subject to a covenant entitling the lessee to a deed of grant in fee-simple (hereinafter in this Part III. called a "freeholding lease").

Purchasing price.

13. (1.) The purchasing price of the land comprised in a lease deemed, pursuant to this Part III. of this Act to be a freeholding lease shall be the amount of the unimproved value, as at the date of the receipt by the Corporation of the application referred to in section twelve of this Act, of that land as determined, at the option of the lessee,—

- (a) If there is then subsisting a valuation of that unimproved value made by the Valuer-General pursuant to the provisions of †"*The Valuation of Land Acts, 1944 to 1953,*" at that valuation; or
- (b) By the Land Court; or
- (c) By the Valuer-General.

In every case the lessee shall exercise his option under this section by stating in the application referred to in section twelve of this Act, or in a separate writing given to the Corporation, the manner in which he desires the purchasing price to be determined.

Valuation by Land Court.

(2.) (a) In every case where the lessee desires the purchasing price to be determined by the Land Court the Corporation shall refer, or cause to be referred, to that Court for hearing and determination the matter of the amount of the unimproved value of the land comprised in the lease in question and thereupon that Court shall hear and determine that matter.

* 10 G. 5 No. 7 and amending Acts.

† 8 G. 6 No. 3 and amending Acts.

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(b) The jurisdiction of the Land Court to hear and determine, pursuant to this subsection, the amount of the unimproved value of the land comprised in any lease the subject of an application referred to in section twelve of this Act shall be and is hereby vested in one member only, whose determination shall be final.

An appeal shall not lie to the Land Appeal Court or to any other court or tribunal from a determination of the Court upon a reference under this section nor shall any such determination be reviewed, quashed or otherwise called in question in any proceeding whatsoever.

(c) For the purposes of this subsection, the unimproved value of any land shall be the amount which, in the opinion of the Court, experienced persons would be willing to pay for the fee-simple of the land, assuming it were unimproved, and were offered for sale on such reasonable terms and conditions as a *bona fide* seller would require.

(3.) In every case where the lessee desires the purchasing price to be determined by the Valuer-General, the Corporation shall request the Valuer-General to make a valuation and the Valuer-General shall thereupon make in accordance with the provisions of **The Valuation of Land Acts, 1944 to 1953*,” a valuation of the unimproved value of the land comprised in the lease in question.

Valuation
by Valuer-
General.

The lessee, if dissatisfied with the valuation, shall have and may exercise all the rights conferred upon an owner of land by Part VI. of **The Valuation of Land Acts, 1944 to 1953*,” and the provisions of the said Part VI. shall, with and subject to all necessary adaptations, apply to any valuation made pursuant to this subsection.

(4.) When the purchasing price has been determined the Corporation shall give to the lessee notice in writing of the amount thereof.

(5.) The valuation of the unimproved value of any land determined by the Land Court or made by the Valuer-General pursuant to this section shall have no force or effect save for the purpose for which that valuation is so determined or made.

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Lessee to
elect
whether to
proceed
with
application.

14. (1.) The lessee shall, within thirty days from the date when he receives from the Corporation notification in writing of the purchasing price, notify the Corporation in writing where he elects to proceed with his application under this Part of this Act.

(2.) Every application under this Part of this Act shall lapse at the expiration of thirty days after the date when the Corporation gives to the lessee notice in writing of the amount of the purchasing price unless the lessee has sooner notified the Corporation in writing that he elects to proceed therewith :

Provided that a lessee may, with the prior approval of the Corporation, make a second or any subsequent application under this Part of this Act notwithstanding that any prior such application made by him has lapsed.

(3.) A notice under this section in respect of any lease shall not affect or prejudice howsoever any mortgage or other encumbrance, estate or interest then subsisting over, upon, or in the land comprised in the lease.

(4.) A lessee who elects to proceed with his application under this Part of this Act shall be deemed to comply with the requirements of the perpetual lease with respect to the payment of rent, if he pays rent, until and including the day preceding the quarter day when the term of the freeholding lease commences, at the rate thereof actually payable at the date when the Corporation receives the notice referred to in section twelve of this Act.

(5.) Upon an application lapsing, the Corporation, in its discretion may, require the lessee to pay the whole or such part of the costs incurred by it for any valuation by the Land Court pursuant to subsection two, or by the Valuer-General pursuant to subsection three, of section thirteen of this Act as it may determine and, if the lessee fails to pay the whole of the amount which pursuant to this subsection he is required to pay, the Corporation may recover from the lessee in any court of competent jurisdiction, by action as for a debt, the unpaid balance of any such amount.

Term of the
freeholding
lease.

15. Upon and from the quarter day next following the receipt by the Corporation, pursuant to section fourteen of this Act, of notice from a lessee that he

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elects to proceed with his application under this Part of this Act the Perpetual Town Lease or Perpetual Suburban Lease, the subject of that application shall be deemed to be a freeholding lease—

(a)—

- (i.) Where there is a subsisting contract of sale of a home erected on the land comprised in the lease and the unexpired term of that contract exceeds ten years, for a term equivalent to the unexpired term of the contract commencing on the quarter day next following the date when the Corporation receives the notice ; or
- (ii.) Where there is a subsisting contract of sale of a home erected on the land comprised in the lease and the unexpired term of the contract does not exceed ten years, for a term of ten years commencing on the quarter day next following the date when the Corporation receives the notice ; or
- (iii.) Where the contract of sale of a home erected on the land comprised in the lease has been fully performed, for a term of ten years commencing on the quarter day next following the date when the Corporation receives the notice ; and

(b) Subject in every respect to the provisions of this Part III. of this Act,

and the Corporation shall cause the lease to be endorsed in terms of this section.

16. Every lease deemed, pursuant to this Part III. of this Act, to be a freeholding lease shall be subject to the following provisions, terms and conditions :—

Terms and
conditions
of free-
holding
lease.

- (a) The purchasing price of the land comprised in the lease shall be the amount of the unimproved value, as determined as prescribed by section thirteen of this Act, of that land as at the date when the Corporation receives the application referred to in section twelve of this Act :

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- (b) The term of the lease shall commence on the quarter day next following the date when the Corporation receives from the lessee, pursuant to section fourteen of this Act, notice in writing of his election to proceed with his application ;
- (c) The lessee shall pay, as prescribed by section seventeen of this Act, the purchasing price of the land ;
- (d) The lessee shall pay, as prescribed by section seventeen of this Act, interest on the outstanding balance of the purchasing price ;
- (e) Moneys paid as rent under the perpetual lease in respect of any time before the commencement of the term of the freeholding lease shall not be credited to the purchasing price ;
- (f) Subject to paragraphs (a) to (e), both inclusive, of this section, all such terms and conditions as, pursuant to **“The Workers’ Homes Acts, 1919 to 1957,”* applied with respect to the lease in question as a perpetual lease.

Payment
of
purchasing
price
including
interest
thereon.

17. (1.) In the case of a freeholding lease whereto subparagraph (i.) of paragraph (a) of section fifteen of this Act applies—

- (i.) The purchasing price of the land shall be added to and become part of the moneys payable to the Corporation under the contract and interest on the balance of the purchasing price outstanding at the beginning of each month shall be payable to the Corporation by the lessee at the rate per centum per annum at which interest is payable in respect of a contract of sale, pursuant to the Order in Council under section sixteen of **“The Workers’ Homes Acts, 1919 to 1957,”* in force on the date when the Corporation receives from the lessee, pursuant to section fourteen of this Act, notice in writing of his election to proceed with his application ; and

* 10 G. 5 No. 7 and amending Acts.

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- (ii.) From the commencement of the term of the freeholding lease, the monthly rent payable under the contract and **“The Workers’ Homes Acts, 1919 to 1957,”* shall be increased to such sum as will liquidate both the moneys (including interest thereon) payable under the contract and the purchasing price (including interest thereon) of the land not later than the expiration of the term of the contract.

(2.) In the case of a freeholding lease whereto subparagraph (ii.) of paragraph (a) of section fifteen of this Act applies, the unexpired period of the term of the contract remaining at the date when the freeholding lease commences shall be extended and shall be ten years commencing on that date and—

- (i.) The purchasing price of the land shall be added to and become part of the moneys payable to the Corporation under the contract and interest on the balance of the purchasing price outstanding at the beginning of each month shall be payable to the Corporation by the lessee at the rate per centum per annum at which interest is payable in respect of a contract of sale, pursuant to the Order in Council under section sixteen of **“The Workers’ Homes Acts, 1919 to 1957,”* in force on the date when the Corporation receives from the lessee, pursuant to section fourteen of this Act, notice in writing of his election to proceed with his application; and
- (ii.) From the commencement of the term of the freeholding lease, the monthly rent payable under the contract and **“The Workers’ Homes Acts, 1919 to 1957,”* shall be altered to such sum as will liquidate both the moneys (including interest thereon) payable under the contract and the purchasing price (including interest thereon) of the land not later than the expiration of the term of the extended contract.

* 10 G. 5 No. 7 and amending Acts.

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(3.) In the case of a freeholding lease whereto subparagraph (iii.) of paragraph (a) of section fifteen of this Act applies—

- (i.) A deposit of one-twentieth of the amount of the purchasing price which shall accompany and be paid with the notice by the lessee that he elects to proceed with his application under this Part of this Act ; and
- (ii.) The balance of the purchasing price, together with interest on the amount thereof outstanding at the beginning of each year of the ten year term of the lease at the rate per centum per annum at which interest is payable in respect of a contract of sale, pursuant to the Order in Council under section sixteen of **“The Workers’ Homes Acts, 1919 to 1957,”* in force on the date when the Corporation receives from the lessee, pursuant to section fourteen of this Act, notice in writing of his intention to proceed with his application, shall be liquidated by ten equal annual instalments payable respectively on or before the last day of each year of the ten year term of the lease, commencing with the first year thereof.

(4.) Notwithstanding any provision of **“The Workers’ Homes Acts, 1919 to 1957,”* or any term or condition of the freeholding lease, the lessee may at any time complete payment in full of the purchasing price of the land by paying—

- (a) In a case where the purchasing price of the land has been added to the moneys payable under the contract of sale of a home erected on the land, the unpaid amounts of the moneys payable under the contract and of the purchasing price of the land together with the interest payable in respect of those amounts up to the date of payment thereof ; and
- (b) In any other case, the unpaid amount of the purchasing price of the land together with the interest payable thereon up to the date of the payment thereof.

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PART III.—
PROVISION
FOR THE
FREEHOLDING
OF CERTAIN
LEASEHOLDERS
HELD UNDER
“THE
WORKERS’
HOMES ACTS,
1919 TO 1957.”

(5.) Without prejudice to any other remedy had by it, the Corporation may recover, by action as for a debt in any court of competent jurisdiction, any moneys due and not paid to it in respect of the purchasing price (including interest thereon) of the land comprised in a freeholding lease.

18. (1.) Every lease, deemed pursuant to this Part III. of this Act to be a freeholding lease, shall be deemed to contain a covenant that the Governor in Council shall in the name of Her Majesty, grant in fee-simple to the lessee the land comprised in the lease—

Freeholding
covenant.

- (a) Upon payment of all moneys, including interest thereon, payable in respect of the purchase of the land comprised in the freeholding lease and of the home erected thereon ;
- (b) Upon the due performance by the lessee of the terms and conditions of the contract of sale of the home erected on the land ; and
- (c) Upon the due performance by the lessee of all other terms and conditions binding upon him of the lease.

(2.) Upon a lessee becoming entitled to performance of the covenant referred to in subsection one of this section, the Corporation shall surrender to the Crown any estate or interest of the Corporation in the land concerned.

(3.) The Governor in Council shall, in the name of Her Majesty, grant in fee-simple any land to a person thereunto entitled under this Part III. of this Act.

(4.) Section one hundred and sixty of **“The Land Acts, 1910 to 1957,”* shall apply with respect to any deed of grant issued pursuant to this Part of this Act, and for the purposes of so applying that section the provisions thereof shall be read with and subject to all necessary adaptations, including by reading as a reference to the Corporation any reference therein to the Department of Public Lands.

Section 160
of 1 Geo. V.
No. 15
applied.

* 1 G. 5 No. 15 and amending Acts.

State Housing Acts, Etc., Amendment Act.

6 ELIZ. II. No. 40,

PART IV.—
AMENDMENT
OF “THE
STATE
HOUSING
ACTS,
1945 TO 1955.”

Interpreta-
tion of
Part IV.

PART IV.—AMENDMENTS OF **“THE STATE HOUSING ACTS, 1945 TO 1955.”*

19. (1.) This Part IV. of this Act shall be read as one with “*The State Housing Acts, 1945 to 1955,*” herein in this Part referred to as the Principal Act.

(2.) The Principal Act and this Part IV. of this Act may be collectively cited as **“The State Housing Acts, 1945 to 1957.”*

Amendment
of s. 4.

20. Section four of the Principal Act is amended by adding thereto the following paragraph:—

“Wherever appearing in this Act the term “house” or the term “home” shall have the meaning assigned by this section to the term “dwelling-house”.”

Amendment
of s. 24.

21. Section twenty-four of the Principal Act is amended—

(a) By repealing subsection one thereof and inserting, in lieu of that repealed subsection, the following subsection:—

“(1.) Subject to this Part of this Act the Commission may sell to a person eligible under this Part of this Act a house erected in pursuance of this Act.

Where the fee-simple of the land whereon the house is erected is vested in the Commission, the Commission shall sell the land for that estate together with the dwelling-house.

Where the fee-simple of the land whereon the house is erected is not vested in the Commission, the Commission may, according as agreed upon between it and the purchaser—

(a) Sell the land for a freeholding lease tenure therein together with the house; or

(b) Sell the house only and arrange for the grant to the purchaser of a Perpetual Town Lease or Perpetual Suburban Lease of the land.”;

(b) By repealing in paragraph (i.) of subsection three thereof the words “the sale of any house and land as aforesaid” and inserting, in lieu of those repealed

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PART—IV.
AMENDMENT
OF "THE
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HOUSING
ACTS,
1945 TO 1955."

words, the words "the sale, pursuant to this section, of any house, or of any house and the land appurtenant thereto together," ;

(c) By repealing in the second subparagraph of paragraph (ii.) of subsection three thereof the words "the capital sum which the estate in the land sold or agreed to be sold by the Commission might be expected to realise if offered for sale" and inserting, in lieu of those repealed words, the words "the capital sum the land might be expected to realise if offered for sale for an estate in fee-simple" ;

(d) By repealing the third subparagraph of paragraph (ii.) of subsection three thereof and inserting, in lieu of that repealed subparagraph, the following subparagraph :—

"Except with the prior consent in writing of the Minister, the Commission shall not sell at a purchasing price less than the capital cost to it of the house and other improvements, if any, upon the land appurtenant to the house, and of that land if it is sold together with the house reduced by such amount as the Commission deems a reasonable allowance for wear and tear." ;

(e) By inserting in paragraph (iii.) of subsection three, before the word "leasehold", the word "perpetual" ;

(f) By inserting in the first subparagraph of paragraph (i.) of subsection six thereof, after the words "Perpetual Suburban Leases", the words "or as Freeholding Leases, or alternatively as Perpetual Town Leases or Perpetual Suburban Leases, as the case may be, or as Freeholding Leases" ;

(g) By inserting in subsection six of that section, after paragraph (iii.) thereof the following paragraphs :—

"(iiia.) Every freeholding lease shall contain a covenant that the Governor in Council shall, in the name of Her Majesty, grant in fee-simple to the lessee the land comprised in the lease—

(a) Upon payment of all moneys, including interest thereon, payable in respect of the purchase of the land comprised in the freeholding lease and of the home erected thereon ;

- (b) Upon the due performance by the lessee of the terms and conditions of the contract of sale of the home erected on the land ; and
- (c) Upon the due performance by the lessee of all other covenants, conditions, stipulations and provisions binding upon him of the lease.
- (iiib.) Upon a lessee becoming entitled to performance of the covenant referred to in paragraph (iiia.) of this subsection, the Commission shall surrender to the Crown any estate or interest of the Commission in the land concerned.
- (iiic.) The Governor in Council shall, in the name of Her Majesty, grant in fee-simple any land to a person thereunto entitled under this Part of this Act.
- (iiid.) Section one hundred and sixty of **“The Land Acts, 1910 to 1957,”* shall apply with respect to any deed of grant issued pursuant to this Part of this Act and for the purposes of so applying that section the provisions thereof shall be read with and subject to all necessary adaptations, including by reading as a reference to the Commission any reference therein to the Department of Public Lands.” ;
- (h) By repealing in paragraph (iv.) of subsection six thereof the word “perpetual” ;
- (i) By inserting in paragraph (vi.) of subsection six thereof—
- (a) After the words “Except as herein provided, every such”, the word “perpetual” ; and
- (b) After the words “the reference shall, for the purposes of”, the word “such” ;
- (j) By repealing in paragraph (vi.) of subsection six thereof the word “Secretary” and inserting, in lieu of that repealed word, the word “Minister” ; and
- (k) By adding to subsection six thereof the following paragraph :—
- “(vii.) The term of a freeholding lease shall commence on the commencing date of, and be of the same duration as, the term of the contract of sale of the home erected on the land comprised in the lease.”

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PART V.—AMENDMENTS OF **“THE WORKERS’ HOMES ACTS, 1919 TO 1953.”*

PART V.—
AMENDMENTS
OF *“THE
WORKERS’
HOMES ACTS,
1919 TO 1953.”*

22. (1.) This Part V. of this Act shall be read as one with **“The Workers’ Homes Acts, 1919 to 1953.”* Interpretation.

(2.) **“The Workers’ Homes Acts, 1919 to 1953,”* and this Part V. of this Act may be collectively cited as *“The Workers’ Homes Acts, 1919 to 1957.”* Collective title.

23. Section two of **“The Workers’ Homes Acts, 1919 to 1953,”* is amended by repealing in the definition of the term “Minister” therein, the words “Secretary for Public Works” and by inserting, in lieu of those repealed words, the words “Treasurer and Minister for Housing”. Amendment of s. 2 of 10 Geo. V. No. 7.

24. (1.) Section 2A of **“The Workers’ Homes Acts, 1919 to 1953,”* is amended— Amendment of s. 2A of 10 Geo. V. No. 7.

(i.) By repealing the words “the Principal,” wherever those words appear therein, and inserting, in lieu of those words where so repealed, the word “this”; and

(ii.) By repealing subsection four thereof.

(2.) The repeal by this section of subsection four of section 2A of **“The Workers’ Homes Acts, 1919 to 1953,”* shall not prejudice or affect any of the amendments of **“The Workers’ Homes Acts, 1919 to 1925,”* set forth in the Schedule to †*“The Workers’ Homes Acts Amendment Act of 1930,”* and such amendments shall have effect as though that subsection had not been repealed.

25. Subsection five of section three of **“The Workers’ Homes Acts, 1919 to 1953,”* is amended by repealing the words “Under Secretary, Department of Public Works” therein and by inserting, in lieu of those repealed words, the words “Commissioner of Housing”. Amendment of s. 3 (5) of 10 Geo. V. No. 7.

26. Section six of **“The Workers’ Homes Acts, 1919 to 1953,”* is amended by repealing, in subsection one thereof, the words “for the Crown”. Amendment of s. 6 of 10 Geo. V. No. 7.

* 10 G. 5 No. 7 and amending Acts.

† 21 G. 5 No. 16.

PART V.—
AMENDMENTS
OF “THE
WORKERS’
HOMES ACTS,
1919 TO 1953.”

State Housing Acts, Etc., Amendment Act. 6 ELIZ. II. No. 40,

Repeal of
s. 13A of
10 Geo. V.
No. 7.

27. Section 13A of **“The Workers’ Homes Acts, 1919 to 1953,”* is repealed.

Amendments
of s. 13B of
10 Geo. V.
No. 7.

28. Section 13B of **“The Workers’ Homes Acts, 1919 to 1953,”* is amended—

(a) By repealing the second and third paragraphs thereof and inserting, in lieu of those repealed paragraphs, the following paragraphs :—

Freeholding
covenant.

“Every such lease shall be deemed to contain a covenant that the Governor in Council shall in the name of Her Majesty, grant in fee-simple to the lessee the land comprised in the lease—

- (a) Upon payment of all moneys, including interest thereon, payable in respect of the purchase of the land comprised in the lease and of the home erected thereon ;
- (b) Upon the due performance by the lessee of the terms and conditions of the contract of sale of the home erected on the land ; and
- (c) Upon the due performance by the lessee of all other terms and conditions binding upon him of the lease.

Upon a lessee becoming entitled to performance of the covenant the Corporation shall surrender to the Crown any estate or interest of the Corporation in the land concerned.

The Governor in Council shall, in the name of Her Majesty, grant in fee-simple any land to a person thereunto entitled pursuant to such covenant.

Section 160
of 1 Geo. V.
No. 15
applied.

Section one hundred and sixty of †*“The Land Acts, 1910 to 1957,”* shall apply with respect to any such deed of grant and for the purposes of so applying that section the provisions thereof shall be read with and subject to all necessary adaptations, including by reading as a reference to the Corporation any reference therein to the Department of Public Lands.

In such case the purchasing price of the home shall be the capital cost of the home together with the capital value of the land and the monthly rent payable by the purchaser shall be a sum which, if paid on the first

* 10 G. 5 No. 7 and amending Acts.

† 1 G. 5 No. 15 and amending Acts.

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PART V.—
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1919 TO 1953.”

day of each month, will liquidate, within a period not exceeding, in the case of a purchaser who elects to take the insurance cover provided under section 25B of **“The State Housing Acts, 1945 to 1957,”* thirty years and, in any other case, not exceeding forty-five years the purchasing price of the home, together with interest on the balance of the purchasing price outstanding at the beginning of each month at the rate per centum per annum at which interest is payable, pursuant to section sixteen of this Act, in respect of the contract of sale entered into with the purchaser and the sum added to the monthly rent and payable pursuant to subsection one of section sixteen of this Act.”; and

(b) By repealing the fourth paragraph (being the proviso to the third paragraph thereof).

29. Sections 13C, 13D, 13E, 13F and 13G of †*“The Workers’ Homes Acts, 1919 to 1953,”* are repealed. Repeal of
ss. 13C, 13D,
13E, 13F
and 13G.

30. Without limiting the operation of ‡*“The Acts Interpretation Acts, 1954 to 1957,”* all acts and proceedings commenced by a lessee under the repealed sections 13A, 13C, 13D, 13E, 13F and 13G of †*“The Workers’ Homes Acts, 1919 to 1953,”* for the purpose of, or ancillary to, obtaining a freehold title to the land comprised in the lease and pending when those sections were repealed shall be carried on and completed as if such repeal had not been made and no such act or proceeding shall abate or be discontinued or prejudicially affected by the repeal of the repealed sections. Saving

* 9 G. 6 No. 24 and amending Acts.

† 10 G. 5 No. 7 and amending Acts.

‡ 3 Eliz. 2 No. 3 and amending Act.

JUDGES’ PENSIONS.

See SUPREME COURT.