

STATUTORY RULES.

1917. No. 13.

REGULATIONS UNDER THE WAR PRECAUTIONS ACT 1914-1916.

I THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *War Precautions Act* 1914-1916 to come into operation forthwith.

Dated this twenty-fourth day of January, 1917.

R. M. FERGUSON.
Governor-General.

By His Excellency's Command,
G. F. PEARCE,
Minister of State for Defence.

AMENDMENT OF THE WAR PRECAUTIONS (MORATORIUM) REGULATIONS.

(Statutory Rules 1916, No. 284, as amended by Statutory Rules 1916, No. 324.)

1. Regulation 2 of the War Precautions (Moratorium) Regulations is amended by omitting from the definition of "The Court" the words "Local Court of Full Jurisdiction", and inserting in their stead the words "Local Court consisting of a Special or Stipendiary Magistrate".
2. Regulation 4 of the War Precautions (Moratorium) Regulations is amended—

(a) by inserting, after paragraph (e) of sub-regulation (1.) thereof, the following proviso:—

"Provided that where interest is in arrear for not less than thirty days and the mortgagor fails to observe the provisions of any covenant, agreement or condition expressed or implied in the mortgage for any of the matters specified in sub-paragraph (ii) or paragraph (c) of sub-regulation (1.) of this Regulation, nothing in this paragraph shall preclude the mortgagee from entering into possession of the mortgaged property, but in any such case the mortgagor may apply to the Court for an order requiring the mortgagee to vacate the mortgaged property, and in the event of the application being granted by the Court the mortgagee shall vacate the mortgaged property in accordance with the order of the Court.";

(b) by omitting sub-regulation (2) thereof and inserting in its stead the following sub-regulation:—

"(2.) Applications for the leave of the Court, other than applications for the leave of a Local Court, may be made by motion with notice to such persons as the Court considers entitled thereto, or *ex parte* in any case in which by reason of special circumstances the Court considers such procedure to be just and equitable; and applications for the leave of a Local Court may be made on summons, in accordance, so far as may be, with the practice of the Court in ejectment proceedings";

(c) by inserting at the end of sub-regulation (3) the words “, or in the case of the Local Court by a Special or Stipendiary Magistrate”;

(d) by adding at the end of sub-regulation (4) the following proviso:—

“ Provided that the Court shall not grant any application for leave to commence or continue proceedings for the recovery from a mortgagor of any part of the principal sum secured by mortgage, or for foreclosure, unless the Court is satisfied that, having regard to all relevant circumstances, including the ability of the mortgagor to redeem the property out of his own moneys, it would be unjust and inequitable not to grant it.”; and

(e) by omitting from sub-regulation (5) the words “ either from his own moneys or by borrowing at a rate of interest not exceeding six per centum per annum,” and inserting in their stead the words “ from his own moneys ”.

3. After Regulation 8 of the War Precautions (Moratorium) Regulations the following Regulation is inserted:—

Costs. “ 8A. The costs of any application under these Regulations to the Court or a Justice or Judge thereof, or to a Special or Stipendiary Magistrate, shall be in the discretion of the Court, Justice, Judge or Magistrate as the case may be.”