

STATUTORY RULES.

1917. No. 253.

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-eighth day of September, 1917.

R. M. FERGUSON,
Governor-General.

By His Excellency's Command,

G. F. PEARCE,
Minister of State for Defence.

AMENDMENTS OF THE WAR PRECAUTIONS (MORATORIUM) REGULATIONS.

(Statutory Rules 1916, No. 284, as amended by Statutory Rules 1916, No. 324, and Statutory Rules 1917, Nos. 13 and 76.)

1. Sub-regulation (1) of Regulation 4 of the War Precautions (Moratorium) Regulations is amended—

(a) by omitting from the proviso the words "for not less than thirty days and" and inserting in their stead the words "for not less than three months or"; and

(b) by inserting in that proviso after the words "the mortgagor may" the words "at any time within two months after the mortgagee has entered into possession".

2. Sub-regulation (2) of Regulation 4 of the War Precautions (Moratorium) Regulations is amended by omitting the words "by motion with notice to" and inserting in their stead the words "on summons which must be served on, or by motion which must be notified to,".

3. Sub-regulation (3) of Regulation 4 of the War Precautions (Moratorium) Regulations is repealed.

4. Sub-regulation (5) of Regulation 4 of the War Precautions (Moratorium) Regulations is amended by omitting the words "and the Court is of opinion that the mortgagor is unable" and inserting in their stead the words "and the mortgagor satisfies the Court that he is unable".

5. Sub-regulation (6) of Regulation 4 of the War Precautions (Moratorium) Regulations is repealed.

6. Sub-regulation (7) of Regulation 4 of the War Precautions (Moratorium) Regulations is amended by omitting the proviso and inserting in its stead the following proviso:—

“ Provided that—

- (i) in the former case the Court may, on the application of the mortgagee, fix a higher rate, not being higher than the rate provided in the mortgage or six per centum per annum, whichever is the greater; and
- (ii) in the latter case the Court may, on the application of the mortgagor, fix a lower rate, not being lower than the rate provided in the mortgage or six per centum per annum, whichever is the less.”

7. Regulation 8A of the War Precautions (Moratorium) Regulations is amended—

- (a) by omitting the words “ or a Justice or Judge thereof, or to a Special or Stipendiary Magistrate ”; and
- (b) by omitting the words “ Justice, Judge, or Magistrate as the case may be ”.

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

“ 8a. The jurisdiction conferred on a Court by these Regulations may be exercised by a Justice or Judge of the Court sitting either in Court or in Chambers, or, in the case of a local Court, by a Special or Stipendiary Magistrate.

“ 8c. Any determination decision judgment direction order or assessment made or given by any Court in any matter arising under these Regulations shall be final and conclusive and without appeal.”

9. After Regulation 10 of the War Precautions (Moratorium) Regulations the following Regulation is inserted:—

“ 10A.—(1.) Notwithstanding anything contained in these Regulations, if the purchaser of any land under an agreement for the sale and purchase of land—

- (a) is in arrear, for a period of twelve months, in respect of any payment of principal or interest due by him under the agreement, and
- (b) makes, during any period of six months, no payment in respect of any portion of the amount due by him under the agreement,

the vendor may forward, by registered post, to the purchaser, addressed to his last known place of address a notice intimating that he proposes, after the expiration of a period of one month from the date when in the ordinary course of post the notice should be delivered to the purchaser, to exercise any or all of his rights under the agreement for sale and purchase of the land.

“ (2.) After the expiration of the period specified in the last preceding sub-regulations the vendor may, unless the Court upon application made by the purchaser within the period so specified

Jurisdiction of Court—how exercisable.

Decisions of Court final.

Agreements for sale and purchase of land where purchaser makes default.

otherwise directs, exercise any or all of his rights under the agreement as if the provisions of these Regulations had not extended and applied to the agreement.”

10. Regulation 11 of the War Precautions (Moratorium) Regulations is amended—

(a) by inserting in paragraph (d) after the word “building” the words “or friendly”; and

(b) by adding at the end of the sub-regulation the following paragraph:—

“or (e) any loan made by a life assurance company on the security of one or more of its policies, other than an industrial policy, provided the rate of interest payable on the loan is not greater than—

(i) the rate of interest usually charged by the company before the commencement of the present state of war for a similar loan, or

(ii) seven per centum per annum,
whichever is the less.”

11. After Regulation 11A of the War Precautions (Moratorium) Regulations the following Regulation is inserted:—

“11B.—(1) Where any Court has made an order for the payment by any person to any other person of a sum of money and the Court is satisfied that immediate payment of the whole or part of the money would inflict great hardship on the person ordered to pay the money by reason of the operation of these Regulations or the War Precautions (Active Service Moratorium) Regulations upon his property or investments, or upon the realization thereof, the Court may, upon the application of the person ordered to pay the money, in its discretion, if in all the circumstances it thinks it desirable so to do, order that the payment of the whole or part of the sum of money in question shall be deferred until such time and upon such conditions as the Court thinks fit.

Court may grant relief against judgments in certain cases.

“(2) An order may be made under this Regulation in respect of the payment of money made by any Court before the commencement of this Regulation as well as in respect of orders made after the commencement of this Regulation.”