

# STATUTORY RULES.

1919. No. 140.

## REGULATIONS UNDER THE WAR PRECAUTIONS ACT 1914-1918.

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* 1914-1918; to come into operation forthwith:

Dated this fourth day of June, 1919.

R. M. FERGUSON,  
Governor-General.

By His Excellency's Command,

GEO. H. WISE,  
for 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; 1917, Nos. 13, 76, and 253; 1918, Nos. 28 and 191; and 1919, No. 36.)

1. Regulation 2 of the War Precautions (Moratorium) Regulations is amended by inserting after the definition of "Mortgagee" the following definitions:—

" 'Prescribed date for repayment' means the date fixed by regulation 13 of these Regulations as the date upon which the principal sum secured by a mortgage or agreement to which these Regulations apply shall be repayable.

" 'Prescribed month for repayment' means the month in which the prescribed date for repayment occurs."

2. Regulation 11 of the War Precautions (Moratorium) Regulations is amended by inserting after paragraph (a) the following paragraph:—

" (ab) Any mortgage where the due date for repayment of the principal sum secured thereby is a date after the date of the termination of the war as declared by Proclamation; or "

3. After regulation 12 of the War Precautions (Moratorium) Regulations, the following regulations are inserted:—

" 13. (1) Notwithstanding anything contained in these Regulations, the time for repayment of the principal sum secured by a mortgage to which these Regulations apply, the due date for repayment of which would, but for these Regulations, have been a date within one of the periods specified in the first column of the

following table shall be, by force of this regulation, extended to a date within the month which is specified in the second column of the said table opposite to such period:—

<i>First Column.</i> Period within which, apart from these Regulations, the principal sum secured by a mortgage to which these Regulations apply is due for repayment.	<i>Second Column.</i> Prescribed month for Repayment.
Period before 1st January, 1915 .. . . . . .	August, 1919.
Period between 1st January, 1915, and 30th June, 1915, both dates inclusive	September, 1919.
Period between 1st July, 1915, and 31st December, 1915, both dates inclusive	October, 1919.
Period between 1st January, 1916, and 30th June, 1916, both dates inclusive	November, 1919.
Period between 1st July, 1916, and 31st December, 1916, both dates inclusive	December, 1919.
Period between 1st January, 1917, and 30th June, 1917, both dates inclusive	January, 1920.
Period between 1st July, 1917, and 31st December, 1917, both dates inclusive	February, 1920.
Period between 1st January, 1918, and 30th June, 1918, both dates inclusive	March, 1920.
Period between 1st July, 1918, and 31st December, 1918, both dates inclusive	April, 1920.
Period between 1st January, 1919, and 30th June, 1919, both dates inclusive	May, 1920.
Period between 1st July, 1919, and the date of the termination of the war as declared by Proclamation, both dates inclusive	June, 1920.

“(2) The prescribed date for repayment shall be that day in the prescribed month for repayment which corresponds to the day of the month which would, but for these Regulations, be or have been the due date for repayment:

Provided that, where there is no day so corresponding, the prescribed date for repayment shall be the last day of the prescribed month for repayment.

“(3) The prescribed date for repayment of the principal sum secured by a mortgage to which these Regulations apply shall, if the principal sum—

(a) is payable on demand, or

(b) is by virtue of regulation 7 of these Regulations deemed to be payable immediately after the commencement of these Regulations,

be the thirty-first day of August, 1919.

“(4) Where by the terms of a mortgage to which these Regulations apply the principal sum secured by the mortgage is payable only upon notice, notice in accordance with the mortgage may be given by the mortgagee at any time after the thirty-first day of August, 1919, and the date specified in that notice as the date fixed for payment shall for the purposes of these Regulations be deemed to be the prescribed date for repayment.

"(5) Until the prescribed date for repayment, the rate of interest and the intervals of time at which it is payable, shall be such rate and intervals as are prescribed by, or fixed under, these Regulations.

"(6) Where, by the terms of a mortgage or agreement for sale and purchase of land to which these Regulations apply payment is provided by instalments, the date upon which any instalment which would, apart from these Regulations, become due and payable on or before the date of the termination of the war as declared by Proclamation, shall become due and payable, shall be determined in the same manner as the prescribed date for repayment of the principal sum secured by a mortgage to which these Regulations apply, which would, apart from these Regulations, become due and payable upon the same date, but nothing in these Regulations shall affect the repayment of any instalment due after the date of the termination of the war as declared by Proclamation.

"(7) Upon or after the prescribed date for repayment the mortgagee may exercise all his powers under the mortgage without leave of the Court.

"(8) Nothing in this regulation shall abridge the time which is ordered or allowed by any Court, in pursuance of these Regulations, for repayment of the principal sum secured by a mortgage.

"14. (1) Notwithstanding anything contained in the last preceding regulation, the Court may, upon the application of the mortgagor, made not less than one month before the prescribed date for repayment, make an order on such terms and conditions (if any) as the Court thinks fit, extending the date for repayment for a period not more than twelve months after the prescribed date for repayment, and may fix the intervals of time and rate at which interest is payable during such extended period.

Power to extend date for repayment in cases of hardship.

"(2) An application under this regulation may be made in the same manner as an application for leave of the Court under regulation 4 of these Regulations.

"(3) An application under this regulation shall not be granted unless the Court is satisfied—

- (a) that the obligation to repay the principal sum by the prescribed date for repayment would involve serious hardship to the mortgagor;
- (b) that the conduct of the mortgagor in respect of dealings with the mortgagee has not been such as to render him undeserving of the benefit or protection of this regulation; and
- (c) that the granting of the application would not seriously embarrass the mortgagee.

"15. Where the principal sum secured by a mortgage is paid upon, or within seven days before, the prescribed date for repayment, or, where the Court in pursuance of the last preceding regulation has extended the date for repayment, upon or within seven days before such extended date, the mortgagee shall not be entitled to receive any payment by way of interest in lieu of notice.

Mortgagee not entitled to notice where mortgagor pays within time allowed.

"16. (1) In the case of a lease of land in force at the commencement of this regulation—

- (a) which contains an optional purchasing clause by the terms of which the last date for exercise of the option is a date not later than the thirty-first day of December, 1919 and

Leases of land containing optional purchasing clause.

- (b) which is under these regulations treated as if the lessee had already notified his exercise of the option; and  
 (c) in respect of which the lessee has not in fact notified, to the commencement of this regulation, his exercise of the option,

the lessee may, notwithstanding anything contained in the lease, notify, at any time during the currency of the lease and up till the thirty-first day of December, 1919, his exercise of the option:

Provided that where, by the terms of any such lease, the date of the expiry of the lease is a date after the commencement of this regulation and on or before the thirty-first day of December, 1919, the lessee may, before the date of expiry of the lease, notify the lessor that it is probable that he will, on or before a date specified by him not being later than the said thirty-first day of December, notify his exercise of the option, and if the lessee so notifies the lessor, the term of the lease shall, by force of this regulation, be extended until—

(a) the date specified by the lessee; or

(b) the said thirty-first day of December, 1919,

whichever first happens:

Provided further that, where the term of a lease is so extended, the extension shall be upon the same terms and conditions as those prevailing immediately before the date upon which, but for this regulation, the lease would have expired."

"(2) Regulation 13 of these Regulations shall not apply to any lease of land containing an optional purchasing clause.

"(3) Regulation 10 of these Regulations shall not apply to any lease of land containing an optional purchasing clause by the lessee of which the last date for the exercise of the option is a date later than the thirty-first day of December, 1919."