
Financial Emergency Relief Extension Act. 23 GEO. V. No. 10,

BRISBANE CRICKET GROUND.*See* PART II., COMPANIES.**BUILDING IMPROVEMENT.***See* BANKS.**BULLS, LICENSING OF.***See* STOCK (2).**BUREAU OF INDUSTRY.***See* INDUSTRY.**CLOSER SETTLEMENT.***See* LANDS, CROWN (1).**COMMONWEALTH AND STATE, AGREEMENT
RE INSPECTION AT ABATTOIRS.***See* PART II., STOCK.

COMMONWEALTH AND STATES.

23 Geo.V.
No. 10.
THE
FINANCIAL
EMERGENCY
RELIEF
EXTENSION
ACT OF 1932.

An Act to Provide for the Continuance of the Operations of "The Purchasers of Homes Relief Act of 1930," of Part VI. of "The Financial Emergency Act of 1931," "The Mortgagors Relief Act of 1931," and "The Lessees' Relief Act of 1931"; and to Amend the said Acts in certain particulars.

[ASSENTED TO 18TH OCTOBER, 1932.]

BE it enacted by the King'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.

Short title
and con-
struction.

PART I.—PRELIMINARY.

1. This Act may be cited as "*The Financial Emergency Relief Extension Act of 1932.*"

1932. *Financial Emergency Relief Extension Act.*PART I.—
PRELIMINARY.2. This Act is divided into Parts, as follows — Parts of Act.

PART I.—PRELIMINARY;

PART II.—*“THE PURCHASERS OF HOMES RELIEF ACT OF 1930” EXTENSION AND AMENDMENT;

PART III.—†“THE FINANCIAL EMERGENCY ACT OF 1931,” PART VI., EXTENSION AND AMENDMENT;

PART IV.—‡“THE MORTGAGORS RELIEF ACT OF 1931” EXTENSION AND AMENDMENT;

PART V.—§“THE LESSEES’ RELIEF ACT OF 1931” EXTENSION AND AMENDMENT;

PART VI.—GENERAL.

PART II.—
“THE
PURCHASERS
OF HOMES
RELIEF ACT
OF 1930”
EXTENSION
AND
AMENDMENT.

PART II.—“THE PURCHASERS OF HOMES RELIEF ACT OF 1930” EXTENSION AND AMENDMENT.

3. This Part shall be read as one with **The Purchasers of Homes Relief Act of 1930*” and the Order in Council of the seventeenth day of December, one thousand nine hundred and thirty-one, extending the operation of the said Act to the thirty-first day of December, one thousand nine hundred and thirty-two (as set forth in the *Gazette* of the nineteenth day of December, one thousand nine hundred and thirty-one, at page one thousand eight hundred and thirty-five), which Act and Order in Council are referred to in this Part as the Principal Act.

The Principal Act as amended by this Part may collectively be cited as “*The Purchasers of Homes Relief Acts, 1930 to 1932.*”

4. Subsections one and two of section three of the Principal Act are repealed, and the following subsections are inserted in lieu thereof, namely:— Amendment of s. 3.

“(1.) This Act shall be deemed to have come into operation on the eighteenth day of December, one thousand nine hundred and thirty, and shall continue in force until the thirty-first day of December, one thousand nine hundred and thirty-three: Operation of Act.

* 21 Geo. V. No. 33, *supra*, page 13094.† 22 Geo. V. No. 1, *supra*, page 13402.‡ 22 Geo. V. No. 6, *supra*, page 13848.§ 22 Geo. V. No. 28, *supra*, page 13828.

|| Verbally corrected—“1930” substituted for “1931.”

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Provided that the Governor in Council may from time to time, if in his discretion he thinks fit, by Order in Council published in the *Gazette* extend the provisions of this Act together with any additions or amendments thereto or modifications thereof for such time as shall be expressed in any such Order in Council :

Provided further that an order of the Court made under this Act shall be operative and of full force and effect to the extent of such order, notwithstanding the expiration of this Act on the thirty-first day of December, one thousand nine hundred and thirty-three, or such extended time as may be prescribed by any Order in Council as aforesaid.

(2.) This Act shall apply in respect of a mortgagor who was a mortgagor (as defined in this Act) at the date of the passing of **“The Purchasers of Homes Relief Act of 1930,”* and also in respect of a mortgagor who is a mortgagor (as defined in this Act) at the date of the passing of †*“The Financial Emergency Relief Extension Act of 1932.”*

Act not to
bind the
Crown

(3.) The provisions of this Act shall not apply to any mortgage given to secure any moneys payable to the Crown or to any body representing the Crown, or to any officer or body acting for and on behalf of the Crown.

Act to apply
to Public
Curator.

But notwithstanding the foregoing provisions of this subsection, this Act shall apply to the Public Curator constituted pursuant to the provisions of ‡*“The Public Curator Acts, 1915 to 1926.”*

Application
of
Mortgagors
Relief Acts,
and Part VI.
of the
Financial
Emergency
Acts.

(4.) In addition to and without limiting the provisions of this Act, the provisions of *“The Mortgagors Relief Acts, 1931 to 1932,”* and of Part VI. of §*“The Financial Emergency Act of 1931,”* as amended by †*“The Financial Emergency Relief Extension Act of 1932,”* shall, *mutatis mutandis*, apply and extend to any mortgage or mortgagor or mortgagee under this Act, but so that the Court under this Act shall be the Magistrates Court.”

Subsections three and four are renumbered five and six accordingly.

* 21 Geo. V. No. 33, *supra*, page 13094.

† 23 Geo. V. No. 10 (this Act).

‡ 6 Geo. V. No. 14 and amending Acts, *supra*, pages 7056 *et seq.*

§ 22 Geo. V. No. 1, *supra*, page 13402.

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5. A new section is added after section four of the Principal Act, as follows:—

“ [4A.] Notwithstanding anything in this Act to the contrary contained, a mortgagor who has, prior to the passing of **“The Financial Emergency Relief Extension Act of 1932,”* applied for an order of relief under the Principal Act, shall not be debarred from making a further application for relief under the Principal Act as amended by **“The Financial Emergency Relief Extension Act of 1932,”* and any such mortgagor shall be competent to apply to the Court for a further order of relief and to obtain any further order for relief which the Court may in its discretion think fit to grant :

Mortgagor who applied for relief under Principal Act not debarred from further application.

Provided that nothing in this section shall prejudice or affect the powers and absolute discretion of the Court in granting or refusing any such application.”

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“THE
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ACT OF 1931.”
PART VI.,
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PART III.—“THE FINANCIAL EMERGENCY ACT OF 1931,”
PART VI., EXTENSION AND AMENDMENT.

6. This Part shall be read as one with “Part VI.—MORTGAGORS’ RELIEF IN RESPECT OF INTEREST” of †*“The Financial Emergency Act of 1931 ”* (herein in this Part III. of this Act referred to as “this Part”).

Construction of Part III.

7. Section fourteen of this Part is repealed and the following section is inserted in lieu thereof, namely:—

“ [14.] With the object of providing for the reduction of the rates of interest in respect of certain mortgages as hereinafter defined, and to enable tribunals to make certain orders in respect of certain reductions of the rates of interest or to exercise such powers as are prescribed, the following provisions are enacted as hereunder set forth.”

Mortgagors’ relief in respect of interest.

8. A new paragraph and subsection are added to section fifteen of this Part, and the bracket and figure “(1.)” are inserted after “15,” as follows:—

Amendment of s. 15.

“The date of the coming into operation of this Part is the first day of July, one thousand nine hundred and thirty-one, which date was fixed by Proclamation published in the *Gazette* of the thirtieth day of June, one thousand nine hundred and thirty-one.

* 23 Geo. V. No. 10 (this Act).

† 22 Geo. V. No. 1, *supra*, page 13402.

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 Part not
 apply to
 Crown.

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(2.) The provisions of this Part shall not apply to any mortgage given to secure any moneys payable to the Crown or to any body representing the Crown, or to any officer or body acting for and on behalf of the Crown.

Part to
 apply to
 Public
 Curator.

But notwithstanding the foregoing provisions of this subsection, this Part shall apply to the Public Curator constituted pursuant to the provisions of **“The Public Curator Acts, 1915 to 1926.”*”

Amendment
 of s. 16.

9. Section sixteen of this Part is amended as follows :—

The definition of “Mortgage” is repealed and a new definition is inserted in lieu thereof as follows :—

Mortgage.

“ “Mortgage” means any deed, memorandum of mortgage, instrument, or agreement whereby security for payment of moneys or for the performance of any contract is granted over real or personal property or any interest therein, and includes an agreement for sale and purchase of real and personal property where payment of the unpaid purchase money and interest thereon is secured on such property; and also includes an equitable mortgage by deposit of title deeds and any document by which the duration of the mortgage is extended or by which any provision of the mortgage is varied.

For the purposes of this Part an agreement for sale and purchase of land shall be deemed to be a mortgage of such land to secure payment of the unpaid purchase money and interest thereon and fulfilment of the conditions set forth in the agreement.

Without in any wise affecting the generality of this definition, the term “Mortgage” shall also include a hire-purchase agreement.

The term “Mortgage” shall also include a mortgage payable on demand, and shall also include any security given in respect of a bank overdraft payable on demand.”

* 6 Geo. V. No. 14 and amending Acts, *supra*, page 7056 *et seq.*

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Mortgagor.

The definition of “Mortgagor” is repealed and the following definition is inserted in lieu thereof, namely:—

“ “Mortgagor” means a person liable under the provisions of a mortgage or entitled to redeem a mortgage, and includes any person who has guaranteed the payment of any money the payment of which is secured by a mortgage or the performance by the mortgagor of any covenant, condition, or agreement expressed or implied in the mortgage, whether such guarantee is expressed in the mortgage or in any other instrument; and also includes any person against whom a mortgagor has a legal or equitable right of indemnity in respect of any liabilities under the mortgage.”

The following definition is inserted after the definition of “Mortgagee” as follows:—

“ “Hire-purchase agreement”—A hire-purchase agreement with respect to goods or chattels, and includes a letting of goods or chattels with an option to purchase and an agreement for the payment of goods or chattels by instalments, whether such agreement describes such instalments as rent or hire or otherwise. Hire-purchase agreement.

For the purposes of this Part a hire-purchase agreement relating to goods or chattels shall be deemed a mortgage of such goods or chattels to secure the fulfilment of the conditions set forth in the agreement and the payment of the amount of instalments upon payment of which subject to such fulfilment the goods or chattels would under the agreement become the property of the hirer.”

The following definition is inserted after the definition of “Hire-purchase agreement,” namely:—

“ “Interest payable under the mortgage” means interest at the rate which the mortgage provides shall be payable and includes interest payable at any reduced rate which is substituted therefor in case of punctual payment;” Interest payable under the mortgage.

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In the definition “this Part,” after the words “this Act,” the words “(including the amendments made by **The Financial Emergency Relief Extension Act of 1932*”)” are inserted; also after the word “Proclamation” the words “Rule of Court” are inserted.

Amendment
 of s. 17.
 Application
 of Part.

10. Section seventeen of this Part is amended by omitting all words after the word “apply” to the end of the section, and by inserting in lieu thereof the words “to all mortgages as defined in section sixteen (as amended by section nine of **The Financial Emergency Relief Extension Act of 1932*”) existing at the first day of July, one thousand nine hundred and thirty-one, and also to all mortgages as so defined existing at the passing of **The Financial Emergency Relief Extension Act of 1932*,” subject always to the provisions of this Part.”

11. After section seventeen of this Part, the following new sections are inserted, namely:—

Reduction of
 interest.

“[17A.] (1.) Every mortgage to which this section applies shall be construed and take effect as if it were a term of the mortgage that on and from the passing of **The Financial Emergency Relief Extension Act of 1932*” the interest payable under such mortgage and accruing after the passing of such lastmentioned Act should be reduced at the rate of four shillings and six pence for every pound of such interest calculated as provided by such mortgage.

(2.) The provisions of this section shall not have the effect of reducing the interest payable under any mortgage to a rate less than five pounds per centum per annum.

(3.) Notwithstanding anything in this Part contained, the maximum rate of reduction of interest, as prescribed by subsection one of this section in respect of any such mortgage to which this section applies, shall be inclusive of any reduction of interest made by any order of the Court pursuant to the provisions of Part VI. of †*The Financial Emergency Act of 1931*” prior to the passing of **The Financial Emergency Relief Extension Act of 1932*,” and shall also be inclusive of any reduction of interest made by the mortgagee

* 23 Geo. V. No. 10 (this Act.)

† 22 Geo. V. No. 1, *supra*, page 13402.

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otherwise than pursuant to such Part VI. on or after the first day of July, one thousand nine hundred and thirty-one, and prior to the passing of **“The Financial Emergency Relief Extension Act of 1932,”* and to the intent that the total reduction of interest in respect of the mortgage shall not exceed the rate of four shillings and six pence in the pound for every pound of such interest.

Where the rate of reduction prescribed by subsection one of this section is greater than the rate of reduction prescribed by any order of the Court, or greater than the rate of reduction made by a mortgagee otherwise than pursuant to an order of the Court, the rate of reduction prescribed by subsection one of this section shall apply only in respect of interest accruing due after the passing of **“The Financial Emergency Relief Extension Act of 1932.”*

(4.) The provisions of this section shall only apply to mortgages as defined in section sixteen of this Part (as amended by **“The Financial Emergency Relief Extension Act of 1932”*), which were in existence on the first day of July, one thousand nine hundred and thirty-one, and which were still in existence at the date of the passing of **“The Financial Emergency Relief Extension Act of 1932”*; and for the purposes of this section, the amendments made to section sixteen shall be deemed to have been made therein on the first day of July, one thousand nine hundred and thirty-one:

Provided that this section shall not apply to any fluctuating advance which—

- (a) Is made by way of bank overdraft secured by a mortgage; or
- (b) Is made by way of overdraft, secured by a mortgage, by any corporation or company registered or deemed to be registered under †*“The Companies Act of 1931,”* ‡or a primary producers’ co-operative association registered under §*“The Primary Producers’ Co-operative Associations Acts, 1923 to 1926,”* or registered firm under ||*“The Registration*

* 23 Geo. V. No. 10 (this Act).

† 22 Geo. V. No. 53, *supra*, page 13433.

‡ Words from “or a primary” to “1923 to 1926” inserted by section 82 (2) (a) of *“The Industrial Conciliation and Arbitration Act of 1932.”*

§ 14 Geo. V. No. 45 and 17 Geo. V. No. 4, *supra*, pages 10766 and 11652.

|| 2 Edw. V. No. 12 and 3 Geo. V. No. 27, *supra*, page 5795.

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of *Firms Acts, 1902 to 1912,*” in connection with the business of which such corporation, company, *primary producers’ co-operative association or firm similarly lends money on overdraft,

notwithstanding that any such mortgage referred to in paragraphs (a) or (b) was in existence on the first day of July, one thousand nine hundred and thirty-one.

The term “fluctuating advance” means an advance to the mortgagor which fluctuates in amount from time to time according to the terms and conditions expressed in the mortgage securing such advance or in any other instrument or security in relation thereto:

Provided that in any case where a mortgage is given to a mutual loan building society registered under †“*The Building Societies Act of 1886*” by a member of such society, the provisions of this section shall not apply notwithstanding that any such mortgage was in existence on the first day of July, one thousand nine hundred and thirty-one.

The term “Mutual loan building society” shall mean a building society the rules of which provide that any surplus profits of the society shall be divisible among the members of the society, whether borrowers or investors.

[17B.] (1.) Any mortgagee affected by the provisions of section 17A of this Part may at any time within six months after the passing of †“*The Financial Emergency Relief Extension Act of 1932*” make application in accordance with this section to a Court for an order modifying or excluding the operation of the said provisions in relation to such mortgage.

(2.) Such application to the Court shall be by summons calling upon the mortgagor to show cause why the operation of the provisions of section 17A of this Part should not be modified or excluded in relation to the mortgage on the grounds specified in the summons.

The summons shall be in or to the effect of the prescribed form or according to the practice of the Court, and shall be served according to the practice

* Words “primary producers’ co-operative association” inserted by section 82 (2) (a) of “*The Industrial Conciliation and Arbitration Act of 1932.*”

† 50 Vic. No. 34, *supra*, page 3192.

‡ 23 Geo. V. No. 10 (this Act).

Application
 by
 mortgagee
 to modify
 or exclude
 provisions
 of s. 17A.

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of the Court or as prescribed upon the mortgagor and upon such other persons, if any, as may be prescribed or directed by the Court.

(3.) The mortgagor or any such person may before the hearing of the application lodge an application according to the practice of the Court or in the manner prescribed in objection to the granting of the application, and shall be entitled to be heard in support of such objection.

(4.) Upon the hearing of the application the Court may make such order as it deems just modifying or excluding the operation of the provisions of section 17A of this Part in relation to the mortgage if the mortgagee satisfies the Court that—

- (a) The interest has already been reduced ; or
- (b) The rate of interest was fixed subsequently to the first day of March, one thousand nine hundred and thirty-one, and such rate was by reason of the anticipation of a general reduction of interest rates by legislative action or otherwise fixed at a lower rate than would otherwise have been provided.

(5.) In the hearing of any such application the Court may also take into consideration the matters and things referred to in subsection five of section eighteen of this Act, which shall *mutatis mutandis* apply accordingly.

(6.) The Court may direct the summons to be served upon any person it thinks fit, and such person shall be entitled to appear and be heard.

(7.) The Court may make such order for the payment of costs as it deems just.

[17c.] (1.) Where there are several persons having the same interest in any mortgage or having or claiming whether jointly or severally any right of relief in respect of the same mortgage or series of mortgages, any one or more of such persons may apply to the Court for an order appointing one or more persons to make an application under section 17B of this Part on behalf or for the benefit of all such persons.

Representative orders.

An application under this subsection shall be made as prescribed by Rules of Court, or according to the practice of the Court, and the Court may, subject to

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such conditions as may be prescribed by such rules or as the Court may order, appoint one or more persons to make the application under section 17B accordingly.

An order of the Court made under section 17B upon the application of the person or persons so appointed shall bind all the mortgagees so represented and the mortgagor.

(2.) Any mortgagee being the holder of several mortgages from separate mortgagors, and desirous of having the provisions of section 17A modified or excluded in relation to all such mortgages, may upon taking out a summons against any one of such mortgagors under section 17B of this Part apply to the Court for special directions as to service.

The Court may make an order for service of the summons on such persons as it thinks fit to represent all the mortgagors, and may direct such advertisement by the applicant of notice of the application as the Court may think proper.

(3.) Upon compliance with an order made under subsection two of this section the summons shall be deemed to have been served on every mortgagor affected thereby, and every such mortgagor shall be bound by any order made thereon modifying or excluding the provisions of section 17A of this Part.

Preference
 shares.
 Application
 to Court.

[17D.] (1.) Any company incorporated under any Act or registered or deemed to be registered under **“The Companies Act of 1931”* or any shareholder of such company may at any time within twelve months after the passing of †*“The Financial Emergency Relief Extension Act of 1932,”* or such extended time as may be prescribed by the Governor in Council by Order in Council published in the *Gazette*, apply to the Court for any order modifying the rights of the holder of a preference share in any such company.

Notice of
 application.

(2.) Notice of any such application shall be served upon such persons or class of persons or shall otherwise be given in such manner as the Court may direct.

Jurisdiction
 of Court.

(3.) The Court shall consider any such application relating to the preference shares concerned and the

* 22 Geo. V. No. 53 *supra*, page 13433.

† 23 Geo. V. No. 10 (this Act).

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holder thereof, and shall have authority and jurisdiction to make such order in relation thereto as it shall in its absolute discretion think fit.

Without in any wise limiting the discretion of the Court in the granting or refusing to make any order under this section or the order of the Court, any such order may contain all or any of the following provisions, namely :—

- (a) That the right of the holder of a preference share in the company concerned to receive in preference or priority to any other shareholder in the company a dividend at a specified rate shall, in respect of so much of any period for which a dividend is declared after the commencement of **“The Financial Emergency Relief Extension Act of 1932”* as is subsequent to such commencement, be deemed to be modified by the substitution for such specified rate of a rate less than such specified rate by twenty-two and one-half per centum thereof (or such lower per centum as the Court may fix), or of a rate of five per centum, whichever is the higher ;
- (b) That where the holder of a preference share has a right at the commencement of **“The Financial Emergency Relief Extension Act of 1932”* to participate in the profits of the company after payment to other shareholders of a dividend at a specified rate, any memorandum of association, articles of association, or other instrument or resolution governing the rights of shareholders in the company shall, in respect of so much of any period for which a dividend is declared after the commencement of **“The Financial Emergency Relief Extension Act of 1932”* as is subsequent to such commencement, be deemed to be modified by the substitution for such specified rate of a rate less than such specified rate by twenty-two and one-half per centum thereof

* 23 Geo. V. No. 10 (this Act).

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(or such lower per centum as the Court may fix), or of a rate of five per centum, whichever is the higher ;

- (c) That where the rate of dividend to which a holder of a preference share is entitled is limited to a specified rate, and that specified rate is modified by the operation of paragraph (a) aforesaid, the holder of the preference share shall be entitled to a right to participate by way of dividend in the profits of the company equally with other shareholders after such other shareholders have received a dividend equal to that received by him—

But that this section shall not be construed to entitle the holder of a preference share to receive a dividend at any rate higher than the specified rate.

Meaning of
 “specified
 rate.”

(4.) In this section the “specified rate” means the rate specified in the memorandum of association, articles of association, or other instrument or resolution governing the rights of shareholders in a company in relation to their participation in the profits of the company by way of dividend.

Power of
 Court to
 refuse order.

(5.) If, however, on the hearing of any such application as aforesaid the Court, after considering the grounds upon which the application is made and the grounds upon which any such application is opposed and all other circumstances of the case, is of opinion that such application should be refused, the Court may make an order refusing such application for relief under this section accordingly.

Costs.

(6.) The costs of any application under this section shall be in the absolute discretion of the Court.

Court may
 have regard
 to certain
 Acts.

(7.) The Court, in the making or refusing of an order under this section, may have regard generally to the provisions of **“The Financial Emergency Act of 1931”* (as amended by †*“The Financial Emergency Relief Extension Act of 1932”*), and to the provisions of ‡*“The Mortgagees Relief Acts, 1931 to 1932.”*

Meaning of
 “Court.”

(8.) For the purposes of this section the term “Court” shall mean the Supreme Court, and shall not include the Magistrates Court.”

* 22 Geo. V. No. 1, *supra*, page 13402.

† 23 Geo. V. No. 10 (this Act).

‡ 22 Geo. V. No. 6, *supra*, page 13848. (See Part IV. of this Act).

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Amendment
of s. 18.

12. Section eighteen of this Part is amended as follows :—

(a) Subsection one is repealed, and a new subsection is inserted in lieu thereof, namely :—

“(1.) Any mortgagor to which this section applies, by notice in the prescribed form, may apply to the Court at any time within twelve months after the first day of July, one thousand nine hundred and thirty-two, or such extended time as may be prescribed by the Governor in Council by Order in Council published in the *Gazette*, for reduction of the rate of interest payable under such mortgage to which this section applies.”

(b) Subsection five is amended by inserting the following additional paragraphs after paragraph (a) as follows :—

“(ai.) The nature of the mortgage, including the nature of the security for the loan concerned ;

(aiv.) The extent to which relief has been granted pursuant to any order of the Court or pursuant to any voluntary reduction of interest made by the mortgagee ;

(avii.) That the rate of interest was fixed subsequently to the first day of July, one thousand nine hundred and thirty-one, or that such rate was by reason of the anticipation of a general reduction of interest rates by legislative action or otherwise fixed at a lower rate than would otherwise have been provided.”

(c) A new subsection is added to the said section, namely :—

“(10.) The provisions of this section shall only apply—

(a) To mortgages as defined in section sixteen of this Part (as amended by **The Financial Emergency Relief Extension Act of 1932*”), which were made and executed subsequent to the first day of July, one thousand nine hundred and thirty-one, and which were in existence at the date of the passing of **The Financial Emergency Relief Extension Act of 1932*” ;

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- (b) To any fluctuating advance which—
- (i.) Is made by way of bank overdraft secured by a mortgage; or
 - (ii.) Is made by way of overdraft, secured by a mortgage, by any corporation or company registered or deemed to be registered under **“The Companies Act of 1931,”* † for a primary producers’ co-operative association registered under ‡*“The Primary Producers’ Co-operative Associations Acts, 1923 to 1926,”* or registered firm under §*“The Registration of Firms Acts, 1902 to 1912,”* in connection with the business of which such corporation, company, †primary producers’ co-operative association or firm similarly lends money on overdraft,

whether any such mortgage referred to in provisions (i.) and (ii.) aforesaid was in existence on the first day of July, one thousand nine hundred and thirty-one, or was made and executed subsequent to such date, and which in either case is in existence at the date of the passing of ¶*“The Financial Emergency Relief Extension Act of 1932.”*

The term “fluctuating advance” means an advance to the mortgagor which fluctuates in amount from time to time according to the terms and conditions expressed in the mortgage securing such advance or in any other instrument or security in relation thereto;

- (c) To any mortgage given to a mutual loan building society registered under ¶*“The Building Societies Act of 1886”* by a member of such society, whether in existence on the first day of July, one thousand nine hundred and thirty-one, or made or executed

* 22 Geo. V. No. 53, *supra*, page 13433.

† Words “or a primary” to “1923 to 1926” inserted by section 82 (2) (b) of *“The Industrial Conciliation and Arbitration Act of 1932”*; also words “primary producers’ co-operative association” inserted by same section of that Act.

‡ 14 Geo. V. No. 45 and 17 Geo. V. No. 4, *supra*, pages 10776 and 11652.

§ 2 Edw. VII. No. 12 and 3 Geo. V. No. 27, *supra*, page 5795.

¶ 23 Geo. V. No. 10 (this Act).

¶ 50 Vic. No. 34, *supra*, page 3192.

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subsequent to such date, and which in either case is in existence at the date of the passing of **“The Financial Emergency Relief Extension Act of 1932.”*

The term “Mutual loan building society” shall mean a building society the rules of which provide that any surplus profits of the society shall be divisible among the members of the society, whether borrowers or investors.”

13. A new section 18A is inserted after section New s. 18A. eighteen of this Part as follows:—

“[18A.] Where the mortgagor or the mortgagee alleges that interest is included in any amount or amounts to be paid under a mortgage, and that the rate of interest payable under the mortgage is not readily ascertainable, either the mortgagor or the mortgagee may in default of agreement apply to the Court for a declaration that interest is so included in such amount or amounts and for the ascertainment of the rate of such interest and for an order for a reduction thereof in accordance with this Part. Power of Court where interest not readily ascertainable.

Where the Court orders a reduction of interest under this section, the Court may if it thinks fit make such further order as to the adjustment of the amount or amounts so payable as will give effect to the reduction of interest so ordered by the Court.” Adjustments.

14. The following further amendments are made in this Part, namely:— Repeal of s. 20.

(1.) Section twenty of this Part is repealed and the following section twenty is inserted in lieu thereof:—

“[20.] (1.) Every payment of interest made in pursuance of section 17A hereof, or where an order has been made under this Part in pursuance of such order, shall be a full discharge of the mortgagor’s liability to payment of interest under the mortgage in respect of the period to which such payment relates. Effect of reduction.

(2.) Every order made under this Part prior to the passing of **“The Financial Emergency Relief Extension Act of 1932”* shall apply only in respect of interest that accrued due after the first day of July, one thousand nine hundred and thirty-one.

* 23 Geo. V. No. 10 (this Act).

PART III.—
 “THE
 FINANCIAL
 EMERGENCY
 ACT OF 1931,”
 PART VI.,
 EXTENSION
 AND
 AMENDMENT.

Financial Emergency Relief Extension Act. 23 GEO. V. No. 10,

Every reduction of interest or order made under this Part subsequent to the passing of **“The Financial Emergency Relief Extension Act of 1932”* shall apply only in respect of interest accruing due after the passing of **“The Financial Emergency Relief Extension Act of 1932,”* and such reduction, if granted by the Court, shall take effect from the date of the passing of such lastmentioned Act or from such date as may be fixed by the Court in its order according to the absolute discretion of the Court.

(3.) Unless the Court for special reasons otherwise directs—

- (a) Every reduction of interest made by this Part; and
- (b) Every order modifying or excluding the application of section 17A of this Part to any mortgage,

shall continue in force during the continuance of the mortgage.

(4.) Where no order is made under this Part, or where an order has been so made during the continuance of such order, it shall not be lawful for the mortgagee to demand, sue for, or enforce payment of interest in respect of any period to which such order relates at a rate greater than the rate payable in pursuance of section 17A hereof or than that allowed by such order, as the case may be.

(5.) Every reduction of interest as provided by this Part shall have the effect of relieving, to the extent of such reduction, every guarantor who is liable for the payment of such interest.”

Amendment
 of s. 21.

(2.) Section twenty-one of this Part is amended by inserting after the words “shall not prevent,” where they first occur, the words “the application to the mortgage concerned of the provisions of this Part and shall not prevent.”

PART IV.—
 “THE
 MORTGAGORS
 RELIEF ACT
 OF 1931”
 EXTENSION
 AND
 AMENDMENT.

PART IV.—“THE MORTGAGORS RELIEF ACT OF 1931”
 EXTENSION AND AMENDMENT.

Construction
 of Part IV.

15. This Part shall be read as one with †*“The Mortgagors Relief Act of 1931,”* herein in this Part referred to as the Principal Act.

* 23 Geo. V. No. 10 (this Act).

† 22 Geo. V. No. 6, *supra*, page 13848.

1932. *Financial Emergency Relief Extension Act.*

PART IV.—
“THE
MORTGAGORS
RELIEF ACT
OF 1931”
EXTENSION
AND
AMENDMENT.

The Principal Act and this Act may collectively be cited as “*The Mortgagors Relief Acts, 1931 to 1932.*”

16. (a) Subsections two and three of section one of the Principal Act are repealed, and the following new subsections are inserted in lieu thereof, namely:— Amendment of s. 1.

“(2.) This Act shall be deemed to have come into force on the first day of August, one thousand nine hundred and thirty-one, and shall continue in force until the thirty-first day of December, one thousand nine hundred and thirty-three:

Provided that the Governor in Council may from time to time, if in his discretion he thinks fit, by Order in Council published in the *Gazette* extend the provisions of this Act for such time as shall be expressed in any such Order in Council.

(3.) On the thirty-first day of December, one thousand nine hundred and thirty-three, or such date subsequent thereto as may be fixed from time to time by the Governor in Council under the previous subsection as the date of the ceasing of the operation of this Act, this Act shall be deemed to have been repealed.”

(b) Subsection five is repealed and the following subsection is inserted in lieu thereof:—

“(5.) The provisions of this Act shall not apply to any mortgage given to secure any moneys payable to the Crown or to any body representing the Crown, or to any officer or body acting for and on behalf of the Crown. Act not to apply to the Crown.

But notwithstanding the foregoing provisions of this subsection, this Act shall apply to the Public Curator constituted pursuant to the provisions of **The Public Curator Acts, 1915 to 1926.*” Act to apply to Public Curator.

17. Section two of the Principal Act is amended as follows:— Amendment of s. 2.

The definition of “Mortgage” is repealed and a new definition is inserted in lieu thereof, namely:—

““Mortgage” means any deed, memorandum of mortgage, instrument, or agreement whereby security for payment of moneys or for the Mortgage.

* 6 Geo. V. No. 14 and amending Acts, *supra*, pages 7056 *et seq.*

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 “THE
 MORTGAGORS
 RELIEF ACT
 OF 1931”
 EXTENSION
 AND
 AMENDMENT.

Financial Emergency Relief Extension Act. 23 GEO. V. No. 10,

performance of any contract is granted over real or personal property or any interest therein, and includes an agreement for sale and purchase of real and personal property where payment of the unpaid purchase money and interest thereon is secured on such property; and also includes an equitable mortgage by deposit of title deeds and any document by which the duration of the mortgage is extended or by which any provision of the mortgage is varied.

For the purposes of this Act an agreement for sale and purchase of land shall be deemed to be a mortgage of such land to secure payment of the unpaid purchase money and interest thereon and fulfilment of the conditions set forth in the agreement.

Without in any wise affecting the generality of this definition the term “Mortgage” shall also include a hire-purchase agreement.

The term “Mortgage” shall also include a mortgage payable on demand, and shall also include any security given in respect of a bank overdraft payable on demand.”

The definition of “Mortgagor” is repealed and the following definition is inserted in lieu thereof, namely:—

Mortgagor.

“ “Mortgagor” means a person liable under the provisions of a mortgage or entitled to redeem a mortgage, and includes any person who has guaranteed the payment of any money the payment of which is secured by a mortgage or the performance by the mortgagor of any covenant, condition, or agreement expressed or implied in the mortgage, whether such guarantee is expressed in the mortgage or in any other instrument; and also includes any person against whom a mortgagor has a legal or equitable right of indemnity in respect of any liabilities under the mortgage.”

And without in any wise limiting the definition of “Mortgagee” for the purposes of **“The Mortgagors Relief Acts, 1931 to 1932,”* the term “Mortgagee” shall,

* 22 Geo. V. No. 6, *supra*, page 13848. (See Part IV. of 23 Geo. V. No. 10.)

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“THE
MORTGAGORS
RELIEF ACT
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AND
AMENDMENT.

unless the context otherwise requires, also include every person whose powers are restricted by section four of the Principal Act as amended by section nineteen of **The Financial Emergency Relief Extension Act of 1932.*”

The following definition is inserted after the definition of “Mortgage” as follows:—

“ “ Hire-purchase agreement”—A hire-purchase agreement with respect to goods or chattels, and includes a letting of goods or chattels with an option to purchase and an agreement for the payment of goods or chattels by instalments, whether such agreement describes such instalments as rent or hire or otherwise. Hire-purchase agreement.”

For the purposes of this Act a hire-purchase agreement relating to goods or chattels shall be deemed a mortgage of such goods or chattels to secure the fulfilment of the conditions set forth in the agreement and the payment of the amount of instalments upon payment of which subject to such fulfilment the goods or chattels would under the agreement become the property of the hirer.”

18. Section three is repealed and the following section is inserted in lieu thereof:— Section 3.

“ [3.] This Act shall apply to all mortgages as hereinbefore defined by the Principal Act, as amended by section seventeen of **The Financial Emergency Relief Extension Act of 1932,*” existing at the commencement of †*The Mortgagors Relief Act of 1931,*” and also to all mortgages as so defined existing at the passing of **The Financial Emergency Relief Extension Act of 1932.*” ” Application of Act.

19. In paragraph (b) of subsection one of section four of the Principal Act, after the words “implied in the mortgage” the words “or in any instrument of guarantee in respect of such mortgage” are inserted. Amendment of s. 4.

* 23 Geo. V. No. 10 (this Act).

† 22 Geo. V. No. 6, *supra*, page 13848.

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 RELIEF ACT
 OF 1931”
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 AMENDMENT.

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Two new paragraphs (c) and (d) are also inserted, namely—

- “(c) To call up or demand payment from any mortgagor of the whole or any part of the principal sum secured by the mortgage; or
 (d) To appoint a receiver or take any steps to have a receiver appointed;”

and the comma (,) after the word “Act” at the end of paragraph (b) is deleted and a semi-colon (;) and the word “or” are inserted in lieu thereof.

Amendment
 of s. 5.

20. In subsection three of section five, after the words “process of execution,” where those words twice occur, the words “or the exercise of any power or the doing of any act defined in paragraphs (c) and (d) of subsection one of section four” are respectively inserted.

Section 9A.

21. The following section 9A is inserted after section nine of the Principal Act as follows:—

Special
 provisions
 where certain
 powers have
 been
 exercised or
 partly
 exercised
 prior to the
 passing of
 “The
*Financial
 Emergency
 Relief
 Extension
 Act of 1932.*”

“[9A.] (1.) Notwithstanding anything to the contrary contained in this Act, where, between the first day of July, one thousand nine hundred and thirty-two, and the date of the passing of **The Financial Emergency Relief Extension Act of 1932,*” the mortgagee, in pursuance of the powers contained in the mortgage concerned—

(a) Has exercised or has done; or

(b) Having commenced to exercise or do subsequent to the first day of January, one thousand nine hundred and thirty-two, is between the first beforementioned dates, exercising or doing,

any of the powers or acts defined in paragraphs (a) to (d) of subsection one of section four of the Principal Act as amended by section nineteen of **The Financial Emergency Relief Extension Act of 1932,*” and where such mortgage is one to which the provisions of the Principal Act would have applied if such Principal Act as amended by **The Financial Emergency Relief Extension Act of 1932*” had been in operation at the time when such powers were exercised or done or were commenced to be exercised or done, the mortgagor may apply to the Supreme Court (which term in this section does not include the Magistrates Court), for an order setting aside

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the exercise of such power or the doing of such Act, reinstating all parties as nearly as may be in their former positions, and granting relief to the mortgagor as provided in section eight hereof as if the exercise of such power or the doing of such act had not been exercised or commenced to be exercised or done or commenced to be done, as the case may be.

(2.) If the Court, having regard to the considerations mentioned in section seven hereof and to all other relevant considerations, is of opinion that such relief should be granted to the mortgagor, it may, in its discretion, subject to such terms and conditions as it thinks fit to impose, and notwithstanding that rights may have been acquired by any person other than the mortgagee, make such order as aforesaid, or may make such particular order which the Court in its absolute discretion shall in the circumstances think fit and proper :

Provided that (but subject as hereinafter further provided) no order shall be made under this section in any case where the property in respect of which such power has been exercised or such act has been done has been sold at the time of or after the exercise of such power or the doing of such act to a person other than the mortgagee and such sale has been completed by the payment of the purchase-money and the delivery of the property and the documents of title (if any) before the passing of **“The Financial Emergency Relief Extension Act of 1932”* :

Provided always that where the mortgagee has commenced to exercise and do, between the twenty-ninth day of September, one thousand nine hundred and thirty-two, and the passing of **“The Financial Emergency Relief Extension Act of 1932,”* any of the powers or acts defined in paragraphs (a) to (d) of subsection one of section four of the Principal Act (as amended by section nineteen of **“The Financial Emergency Relief Extension Act of 1932”*), the Court shall have authority and jurisdiction to make an order under this section notwithstanding that the property in respect of which such power has been exercised or such act has been done has been sold at the time of or after the exercise of such power or the doing of such act to a person other than the mortgagee, and notwithstanding that such sale

* 23 Geo. V. No. 10 (this Act).

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 RELIEF ACT
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has been completed by the payment of the purchase money and the delivery of the property and the documents of title (if any) before the passing of **“The Financial Emergency Relief Extension Act of 1932.”*

(3.) The provisions of subsection two of section eight hereof shall apply with respect to any order made under this section in so far as such order grants relief as provided in the said section eight.

(4.) No application to the Supreme Court under this section shall be heard by the Court unless the application is made within one month after the passing of **“The Financial Emergency Relief Extension Act of 1932”* or within such later time, not exceeding three months, as the Court may direct.

(5.) Subject to the provisions of any order that may be made under this section, the exercise of any such power or the doing of any such act as aforesaid which has been completed before the passing of **“The Financial Emergency Relief Extension Act of 1932”* shall not by reason of anything in this Act be deemed to have been unlawfully so completed.”

Amendment
 of s. 13.

22. Subsection one of section thirteen is amended by the insertion therein of the following provisions to paragraph (b) of the said section, namely:—

“(iii.A) The nature of the mortgage including the nature of the security for the mortgage concerned;

(iii.B) The extent to which relief has been granted pursuant to any order of the Court or pursuant to any voluntary relief granted by the mortgagee.”

23. The following new section is inserted after section thirteen of the Principal Act, as follows:—

Mortgagor
 who
 applied for
 relief under
 Principal
 Act not
 thereby
 debarred
 from making
 further
 application.

“[13A.] Notwithstanding anything in this Act to the contrary contained, a mortgagor who has, prior to the passing of **“The Financial Emergency Relief Extension Act of 1932,”* applied to the Court under the provisions of this Act for an order of relief by the Court, shall not be debarred from making a further application for relief under the Principal Act as amended by **“The Financial Emergency Relief Extension Act of 1932,”* and any such mortgagor shall be competent to apply to

* 23 Geo. V. No. 10 (this Act).

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RELIEF ACT
OF 1931”
EXTENSION
AND
AMENDMENT.

the Court for a further order of relief which the Court may in its discretion think fit to grant :

Provided that nothing in this section shall prejudice or affect the powers and absolute discretion of the Court in granting or refusing any application for relief under this Act.”

24. A new section 13B is inserted after section 13A, previously inserted as follows :—

“[13B.] (1.) Where the Supreme Court or any other Court has made an order for the payment by any person to any other person of a sum of money, and such 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 this Act upon his property or investments or upon the realisation thereof, or by reason of any other cause which such Court in the circumstances of the case deems sufficient, such Court may, at the time of the entry of judgment or subsequently thereto, 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 such Court thinks fit. A default judgment shall be deemed to be an order of the Court.

Court may grant relief against judgments in certain cases.

(2.) An order may be made under this section in respect of orders for the payment of money made by any Court before the commencement of **“The Financial Emergency Relief Extension Act of 1932”* as well as in respect of orders made after the commencement of such Act.”

25. In the preamble to the Principal Act the words “under certain existing mortgages securing fixed liabilities” are repealed, and the words “under certain mortgages” are inserted in lieu thereof.

Formal amendments.

26. In †*“The Mortgagees Relief Acts, 1931 to 1932,”* unless inconsistent with the context, the term “this Act” shall mean ‡*“The Mortgagees Relief Act of 1931”* as amended by **“The Financial Emergency Relief Extension Act of 1932,”* and all Proclamations, Orders in Council, regulations, and Rules of Court made thereunder.

Interpretation.

* 23 Geo. V. No. 10 (this Act).

† 22 Geo. V. No. 6, *supra*, page 13848, and Part IV. of this Act (23 Geo. V. No. 10).

‡ 22 Geo. V. No. 6, *supra*, page 13848.

PART V.—
“THE
LESSEES’
RELIEF ACT
OF 1931”
EXTENSION
AND AMEND-
MENT.

Financial Emergency Relief Extension Act. 23 GEO. V. No. 10,

PART V.—“THE LESSEES’ RELIEF ACT OF 1931”
EXTENSION AND AMENDMENT.

Construction
of Part.

27. This Part shall be read as one with **“The Lessees’ Relief Act of 1931,”* herein referred to as the Principal Act.

The Principal Act as amended by this Part may be collectively cited as *“The Lessees’ Relief Acts, 1931 to 1932.”*

Amendment
of s. 2.

28. (1.) Subsections one and two of section two of the Principal Act are repealed, and the following subsections are inserted in lieu thereof:—

“(1.) This Act shall be deemed to have come into force on the sixteenth day of December, one thousand nine hundred and thirty-one, and shall continue in force until the thirty-first day of December, one thousand nine hundred and thirty-three :

Provided that the Governor in Council may from time to time, if in his discretion he thinks fit, by Order in Council published in the *Gazette* extend the provisions of this Act, for such time as shall be expressed in any such Order in Council.

(2.) On the thirty-first day of December, one thousand nine hundred and thirty-three, or such date subsequent thereto as may be fixed from time to time by the Governor in Council under the previous subsection as the date of the ceasing of the operation of this Act, this Act shall be deemed to have been repealed.”

Act not to
apply to
Crown.

(2.) Subsection four is repealed and the following subsection is inserted in lieu thereof, namely:—

“(4.) The provisions of this Act shall not apply to any lease the rent in respect of which is payable to the Crown or to any body representing the Crown, or to any officer or body acting for and on behalf of the Crown.

Act to
apply to
Public
Curator.

But notwithstanding the foregoing provisions of this subsection, this Act shall apply to the Public Curator constituted pursuant to the provisions of †*“The Public Curator Acts, 1915 to 1926.”*”

* 22 Geo. V. No. 28, *supra*, page 13828.

† 6 Geo. V. No. 14, *supra*, pages 7056 *et seq.*, and amending Acts.

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“THE
LESSEES’
RELIEF ACT
OF 1931”
EXTENSION
AND AMEND-
MENT.

29. (1.) In section three the following words are added to the definition of “Lessor” and “lessee” namely :—

Amendment
of s. 3.

“Without in any wise limiting the definition of “lessee” the term “lessee” also includes a mortgagee of a lease in possession of the leased lands whether such mortgage was given with or without the knowledge of the lessor.”

(2.) In the said section three the word “only” occurring before “apply to leases” is repealed; also the words “and existing at the passing of this Act” are repealed and the words “and also to leases entered into subsequent to the first day of August, one thousand nine hundred and thirty-one, and existing at the passing of **The Financial Emergency Relief Extension Act of 1932,*” † are inserted in lieu thereof.

Operation
of Act.

30. Section four of the Principal Act is amended by omitting the words “within six months after the passing of this Act” and inserting the following words in lieu thereof, namely :—“within eighteen months after the sixteenth day of December, one thousand nine hundred and thirty-one, or such extended time as may be prescribed by the Governor in Council by Order in Council published in the *Gazette.*”

Amendment
of s. 4.

31. Paragraph (i.) of subsection three of section five of the Principal Act is amended by deleting the words “but so that such period shall not extend beyond the period in which this Act remains in force,” and by inserting in lieu thereof the following words, namely :—“but so that such period shall not be greater than a period of three years from the date of such order.”

Amendment
of s. 5.

32. After section five of the Principal Act the following sections are inserted, namely :—

“[5A.] Notwithstanding anything in this Act to the contrary contained, a lessee who has, prior to the passing of **The Financial Emergency Relief Extension Act of 1932,*” applied to the Court for an order for relief under the Principal Act shall not be debarred from making a further application for relief under the

Lessee who
has applied
for relief
under the
Principal
Act not
debarred
from making
further
application.

* 23 Geo. V. No. 10 (this Act).

† Words “are inserted in lieu thereof” added by section 82 (2) (c) of *The Industrial Conciliation and Arbitration Act of 1932.*”

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 “THE
 LESSEES’
 RELIEF ACT
 OF 1931”
 EXTENSION
 AND AMEND-
 MENT.

Financial Emergency Relief Extension Act. 23 GEO. V. No. 10,

Principal Act as amended by **“The Financial Emergency Relief Extension Act of 1932,”* and any such lessee shall be competent to apply to the Court for any further order of relief and to obtain any further order for relief which the Court may in its discretion think fit to grant :

Provided that nothing in this section shall prejudice or affect the powers and absolute discretion of the Court in granting or refusing any such application or in making such order as it deems fit :

Provided further that no order, together with any additional order or voluntary reduction made by the lessor, shall have the effect of reducing the rent reserved by or under the lease by any rate exceeding in the whole the rate of four shillings and six pence for every one pound of such rent calculated as provided by such lease.

Applications made after the passing of “*The Financial Emergency Relief Extension Act of 1932.*”

[5B.] (1.) Every order made after the passing of **“The Financial Emergency Relief Extension Act of 1932,”* in respect of an application made after such date by a lessee who had not prior to such date made an application to the Court, shall apply only in respect of rent accruing due after the passing of **“The Financial Emergency Relief Extension Act of 1932,”* and such reduction of rent shall commence to take effect as from the passing of **“The Financial Emergency Relief Extension Act of 1932,”* or from such date subsequent to the passing of **“The Financial Emergency Relief Extension Act of 1932 ”* as may be fixed by the Court in such order according to the absolute discretion of the Court.

(2.) Where an order for further relief has been granted by the Court pursuant to the provisions of section 5A of this Act, the increased rate of reduction, if any, shall only apply in respect of rent accruing due after the passing of **“The Financial Emergency Relief Extension Act of 1932,”* or from such date subsequent to the passing of **“The Financial Emergency Relief Extension Act of 1932 ”* as may be fixed by the Court in such order according to the absolute discretion of the Court.”

Interpretation and formal amendments.

33. (a) In †*“The Lessees’ Relief Acts, 1931 to 1932,”* unless inconsistent with the context, the term “this

* 23 Geo. V. No 10 (this Act).

† 22 Geo. V. No. 28, *supra*, page 13828, and Part V. of this Act (23 Geo. V. No. 10).

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PART V.—
“THE
LESSEES’
RELIEF ACT
OF 1931”
EXTENSION
AND AMEND-
MENT.

Act” shall mean **“The Lessees’ Relief Act of 1931”* as amended by †*“The Financial Emergency Relief Extension Act of 1932”* and all Proclamations, Orders in Council, regulations, and Rules of Court thereunder.

(b) Subsection three of section six of the Principal Act is repealed.

(c) In paragraph (b) of section eleven, the word “lessor” occurring after the words “ejectment of the” is repealed, and the word “lessee” is inserted in lieu thereof.

PART VI.—GENERAL.

PART VI.—
GENERAL.

34. Any person who may have obtained any order of the Court under any of the Acts referred to in Parts II., III., IV., and V. of this Act shall not be debarred from making from time to time any further application or applications for relief under any of such Acts in any case where any of such Acts may be extended by Order in Council or further extended by any subsequent Order or Orders in Council; and any such person shall be competent to apply to the Court for any further order or orders and to obtain any such further order or orders which the Court in its discretion and subject to any particular provisions in any such Act may think fit to grant:

Further
provisions *re*
applications.

Provided that nothing in this section shall prejudice or affect any of the powers of the Court and its absolute discretion in granting or refusing any such application concerned.

35. All Orders in Council, regulations, or Rules of Court made or purporting to be made under the authority of †*“The Purchasers of Homes Relief Acts, §1930 to 1932,”* ††*“The Financial Emergency Act of 1931”* as amended by this Act, †††*“The Mortgagees Relief Acts, 1931 to 1932,”* and ***“The Lessees’ Relief Acts, 1931 to 1932,”* shall be

Orders in
Council, &c.,
to form part
of Act
concerned.

* 22 Geo. V. No. 28, *supra*, page 13828.

† 23 Geo. V. No. 10 (this Act).

‡ 21 Geo. V. No. 33, *supra*, page 13094.

§ Verbally corrected—“1930” being substituted for “1931.”

|| 22 Geo. V. No. 1, *supra*, page 13402.

†† 22 Geo. V. No. 6, *supra*, page 13848, and Part IV. of this Act (23 Geo. V. No. 10).

** 22 Geo. V. No. 28, *supra*, page 13828, and Part V. of this Act (23 Geo. V. No. 10).

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GENERAL.

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published in the *Gazette*, and forthwith upon such publication shall be read as one with such Acts, and shall be judicially noticed and construed as being of equal validity and shall not be challenged in any proceedings whatsoever. Any such Orders in Council, regulations, or Rules of Court made prior to the passing of **“The Financial Emergency Relief Extension Act of 1932”* are hereby approved, ratified, and confirmed.

All such Orders in Council, regulations, or rules shall be laid before the Legislative Assembly within fourteen days after the publication thereof if the Legislative Assembly is in session; or if not, then within fourteen days after the commencement of the next session thereof.

* 23 Geo. V. No. 10 (this Act).

COMMONWEALTH MEAT INSPECTION AT ABATTOIRS.

See PART II., STOCK.

COMMONWEALTH TERRITORIES.

See MARRIAGE AND DIVORCE.

CONCILIATION AND ARBITRATION.

See LABOUR (2).

CONSTITUTION.

REMOVAL OF DOUBTS AS TO MEMBERS—*See* APPENDIX A.

(*Reserved Bill*).