

Hunter Gift for the Settlement of Discharged Soldiers Act 1921

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An Act to make provision for the administration of money derived from the sale or lease of certain lands conveyed as a gift to the Crown by Sir George Hunter for the settlement of discharged soldiers

Preamble

WHEREAS the lands described in the Schedule hereto have been conveyed as a gift to the Crown by Sir George Hunter (hereinafter referred to as the donor) for purposes of the settlement of discharged soldiers: And whereas the said lands have been duly set apart under the Discharged Soldiers Settlement Act 1915 for disposal by way of

sale or lease to discharged soldiers under that Act: And whereas the said gift has been made by the donor with the expressed intention that the revenues derived from the sale or lease of the said lands, after deduction of the cost of administration and other necessary charges, should be held in trust in perpetuity for the purpose of assisting discharged soldiers within the Hawke's Bay Land District: And whereas it is desirable that effect should be given to the intention of the donor as aforesaid.

1 Short Title

This Act may be cited as the Hunter Gift for the Settlement of Discharged Soldiers Act 1921.

2 Interpretation

In this Act the term **discharged soldier** means—

- (a) Any person who, being a discharged soldier within the meaning of the Discharged Soldiers Settlement Act 1915, has served beyond New Zealand in connection with the war with Germany; or
- (b) Any person who, while domiciled in New Zealand, has served beyond New Zealand as a member of any of Her Majesty's Forces in connection with any war other than the war with Germany.

The reference to Her Majesty has been updated from a reference to His Majesty.

3 Lands to which Act relates

The lands to which this Act relates are the lands referred to in the Schedule hereto.

4 Special Trust Account Established

There shall continue to be an account called the Hunter Soldiers Assistance Trust Account (hereinafter referred to as the Hunter Trust Account) which shall be operated as a Trust Bank Account pursuant to section 67 of the Public Finance Act 1989.

The original section 4 as amended, as from 1 April 1932, by section 9(2) Finance Act 1932 (1932 No 11) by substituting the words "Deposit Account within the Consolidated Fund" for the words "special account in the Public Account to be called the Hunter Soldiers Assistance Trust Account".

This section was substituted, as from 13 December 1979, for the original section 4 by section 2(1) of the Hunter Gift for the Settlement of Discharged Soldiers Amendment Act 1979.

5 Revenues derived from sale or lease of lands to be paid into Hunter Trust Account

- (1) Forthwith after the passing of this Act there shall, without further appropriation than this Act, be transferred to the Hunter Trust Account the net revenues theretofore derived by the Crown from the sale or lease of the lands to which this Act relates, after deducting the reasonable expenses of administration and all charges paid or payable in respect thereof.
- (2) In addition to the money referred to in the last preceding subsection, there shall from time to time be paid into the Hunter Trust Account—
 - (a) All money hereafter derived from the sale or lease or other disposal of any of the lands to which this Act relates:
 - (b) All money received in repayment of principal or as interest in respect of loans granted pursuant to section 8 hereof:
 - (c) Any other money lawfully payable into the said account.

Subsections (1) and (2) were amended, as from 1 July 1989, by section 86(1) Public Finance Act 1989 (1989 No 44) by inserting the word “Hunter”.

6 Money payable out of Hunter Trust Account

There shall be payable out of the Hunter Trust Account, without further appropriation than this Act,—

- (a) Such sums as the Minister of Lands may from time to time deem adequate to cover the cost of administration and other charges in respect of the said lands and generally in respect of the administration of this Act:
- (b) All money required for the purpose of making loans to discharged soldiers or of making grants or loans for the benefit of orphan children of deceased soldiers pursuant to section 8 hereof.

This section was amended, as from 1 July 1989, by section 86(1) Public Finance Act 1989 (1989 No 44) by inserting the word “Hunter”.

7 Trust Board established

- (1) There is hereby established for the administration of the Hunter Trust Account a Board to be known as the Hunter Soldiers Assistance Trust Board (hereinafter referred to as the Board).
- (2) The Board shall consist of—
 - (a) The Director-General of Lands, who shall be the Chairman of the Board:
 - (b) Two other persons to be appointed from time to time by the Minister of Lands to hold office during his pleasure.
- (3) One of the persons appointed under paragraph (b) of the last preceding subsection shall, if the donor so requires, be appointed on his recommendation or on the recommendation of such other person or body as he may from time to time appoint:

Provided that the appointment of any member or the validity of the constitution of the Board shall not be questioned on the ground that the provisions of this subsection have not been complied with.
- (4) In the absence of the Chairman from any meeting of the Board the members present shall determine which of them shall be the Chairman of that meeting.
- (5) Two members shall form a quorum at any meeting of the Board.
- (6) The Chairman shall have a deliberative vote, and, in case of an equality of votes, shall also have a casting vote.
- (7) There shall be paid to the members of the Board remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

Subsection (1) was amended, as from 1 July 1989, by section 86(1) Public Finance Act 1989 (1989 No 44) by inserting the word “Hunter”.

Subsection (2)(a) was amended by section 65(1) Conservation Act 1987 (1987 No 65) by substituting the words “Director-General of Lands” for the words “Commissioner of Crown lands for the time being of the Land District of Hawke’s Bay”.

Subsection (7) was inserted by section 10(1) Fees and Travelling Allowances Act 1951 (1951 No 79).

8 Administration of Hunter Trust Account

- (1) The money from time to time standing to the credit of the Hunter Trust Account may, subject to payment of the costs and charges mentioned in section 6(a) of this Act, be applied by the Board for the purpose of making advances, in accordance with this section, in assistance of discharged soldiers in respect of their occupation and use of land within the Land District of Hawke's Bay, or for the purpose of making grants or loans for the benefit of orphan children of deceased soldiers and for the benefit of children (including stepchildren) under the age of 16 years of discharged soldiers who are mentally disordered within the meaning of the Mental Health Act 1969.
- (2) Money may be advanced under this section to any discharged soldier for all or any of the following purposes:
 - (a) The purchase of land or any interest in land:
 - (b) The clearing, fencing, draining, and general improvement of land:
 - (c) The erection of buildings:
 - (d) The purchase of implements, stock, seeds, plants, trees, and such other things as may be thought necessary by the Board for the successful occupation of land.
- (3) There may also be readvanced on current account under this section to any discharged soldier, for all or any of the purposes specified in subsection (2) of this section, or for the purpose of enabling him to liquidate seasonal or other expenditure relative to his farming operations, any proceeds derived from the sale of livestock, chattels, or produce, and credited to current account.
- (4) All money advanced by the Board under the authority of this section in respect of any land shall be repayable by instalments or otherwise as the Board may in each case determine, and shall bear interest at such rate as may be prescribed.
- (5) Every loan under this section shall be secured by way of mortgage over the land in respect of which the money is advanced or over the mortgagor's interest in that land.

Subsection (1) of the original section 8 was amended, as from 31 October 1936, by section 35 Statutes Amendment Act 1936 (1936 No 58) by inserting the words "and for the benefit of children (including stepchildren or legally-adopted children) under the age of sixteen years of discharged soldiers who are patients within the meaning of the Mental Defectives Act 1911".

A reference to the Mental Health Act 1969 in subsection (1) was substituted, as from 1 April 1970, for a reference to the Mental Defectives Act 1911 pursuant to section 129(1) Mental Health Act 1969 (1969 No 16).

Section 8 was substituted, as from 13 December 1979, by section 3(1) Hunter Gift for the Settlement of Discharged Soldiers Amendment Act 1979 (1979 No 92).

Subsection (1) was amended, as from 1 July 1989, by section 86(1) Public Finance Act 1989 (1989 No 44) by inserting the word “Hunter”.

9 Regulations

The Governor-General may from time to time, by Order in Council, make regulations, not inconsistent with this Act,—

- (a) Prescribing the terms and conditions on which loans may be granted under this Act, including conditions as to the repayment of such loans, and as to the relief, in cases of hardship, of mortgagors from any onerous conditions expressed or implied in their mortgages under this Act;
- (b) Prescribing the rates of interest to be charged in respect of such loans;
- (c) Prescribing classes of collateral security that may be accepted in respect of any such loan, in addition to the mortgage required to be given pursuant to section 8 hereof; and
- (d) Generally prescribing such other matters as may, in the opinion of the Governor-General, be necessary for the purpose of giving effect to the provisions of this Act.

Schedule Hawke’s Bay District

Section 3

Porangahau Survey District

	Area		
	A	R	P
Section 1, Block VII	467	3	10
Section 2, Block VII	454	0	0

Porangahau Survey District

		Area	
Section 4, Block VII	421	3	0
Section 5, Block VII	15	1	34
Section 6, Block VII	6	3	27
Section 1, Block XI	546	1	0
Section 2, Block XI	385	2	0