

NORTHERN TERRITORY OF AUSTRALIA

MORTGAGORS' INTEREST REDUCTION REGULATIONS

As in force at 12 November 1931

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 12 November 1931

MORTGAGORS' INTEREST REDUCTION REGULATIONS

Regulations under the *Mortgagors' Interest Reduction Act*

1 Short title

These Regulations may be cited as the *Mortgagors' Interest Reduction Regulations*.

2 Definitions

In these Regulations, unless the contrary intention appears:

document means any application, copy of application, notice or order required or permitted by the Ordinance of these Regulations.

the Clerk means the Clerk of the Supreme Court of the Northern Territory.

the Ordinance means the *Mortgagors' Interest Reduction Ordinance 1931*.

3 Form of application

Any application by a mortgagor under section 5 of the Ordinance shall be in accordance with Form A in the Schedule.

4 Original application to be delivered to clerk

The mortgagor shall serve the original application on the Clerk and shall, at the same time pay a fee of 20 cents. A copy of the application shall be served by the mortgagor upon the mortgagee.

5 Service of documents

Any document required by the Ordinance or these Regulations to be served upon or given to any party, may be so served or given by delivering the document to the person on whom it is to be served or given, or by delivering it at the residence or place of business of that person or by sending it by post, prepaid, addressed to that person at his address as appearing in the mortgage, and in default of that address therein appearing, to his last-known residence or

place of business; and any such document if served or given by post, shall, unless the contrary be proved, be deemed to have been served or given at the time when the letter containing the document would have been delivered in the ordinary course of post; and in proving the service or giving by post of the document it shall be sufficient to prove that it was properly addressed and posted:

Provided that for the purposes of this regulation a ***place of business*** shall not be deemed to be the place of business of the person to be served or given unless he is the master or one of the masters thereof.

6 Notice of sittings of Court

- (1) The Clerk shall give not less than 14 days' notice to the mortgagor and the mortgagee of the date, time and place of sittings of the Court at which the application is set down to be heard.
- (2) The notice shall be in accordance with Form B in the Schedule and be prepared by the Clerk in triplicate and service thereof upon the mortgagor and the mortgagee shall be effected in the manner prescribed in regulation 5.
- (3) One copy of the notice shall be filed by the Clerk and an endorsement made thereon showing the time and mode of service.

7 Order of Court

The order of the Court on any application made under section 5 of the Ordinance shall be in accordance with Form C in the Schedule.

The Schedule

FORM A

I.R.A. No.....

NORTHERN TERRITORY OF AUSTRALIA

Mortgagors' Interest Reduction Ordinance 1931

APPLICATION TO COURT BY A MORTGAGOR UNDER SECTION 5

I, (A.B.), of do hereby apply to the Supreme Court of the Northern Territory for a reduction from% to% of the rate of interest payable under my Mortgage*

The name and address of the Mortgagee is as follows
.....

Dated at this day of, 19...

.....Applicant.
(Mortgagor)

Fee: 20c

*State registered number of mortgage or other particulars sufficient to identify.

Original.

To the Clerk of the Supreme Court, Darwin.

Duplicate.

To.....

.....
(Mortgagee)

FORM B

NORTHERN TERRITORY OF AUSTRALIA

Mortgagors' Interest Reduction Ordinance 1931

NOTICE OF CASE COMING ON BEFORE COURT

In the Supreme Court of the Northern Territory at Darwin.

To of

In the matter of the Mortgagors' Interest Reduction Ordinance 1931 and in the matter of and

The above-mentioned matter having come under the cognizance of the Supreme Court of the Northern Territory, you are hereby notified that at the sittings of the said Court, to be holden at Darwin, at 10 o'clock in the forenoon on the day of, 19..., the said matter will be brought before the Court for hearing or otherwise as may be ordered in that behalf.

Signed this day of, 19...

(L.S.)

.....Clerk of Court

FORM C

NORTHERN TERRITORY OF AUSTRALIA
Mortgagors' Interest Reduction Ordinance 1931
ORDER FOR REDUCTION OF INTEREST

In the Supreme Court of the Northern Territory at Darwin.

In the matter of the Mortgagors' Interest Reduction Ordinance 1931 and in the matter of and

Whereas on the day of, 19..., a certain matter wherein [*names of parties and nature of case to be here set out*] was brought before the Supreme Court.

And whereas the said Court has duly heard and determined the said matter:

It is hereby adjudged that the rate of interest payable under the mortgage [*here state registered number of mortgage or other particulars sufficient to identify*] by the said, mortgagor, to the said, mortgagee, shall be reduced to% per annum (or shall not be reduced) and further that the said shall pay to the said for his costs in this behalf.

Given under my hand at Darwin, in the said Territory, this day of, 19...

.....
Judge

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz = Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced

od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

Mortgagors' Interest Reduction Regulations (SL No. ,)
Notified 12 November 1931
Commenced 12 November 1931