

NORTHERN TERRITORY OF AUSTRALIA

HOUSING LOANS REGULATIONS

As in force at 1 January 1992

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 January 1992

HOUSING LOANS REGULATIONS

Regulations under the *Housing Loans Act*

1 Citation

These Regulations may be cited as the *Housing Loans Regulations*.

2 Commencement

These Regulations shall come into operation on the date on which the *Housing Loans Ordinance 1970* comes into operation.

3 Further amendment of the scheme for assistance in housing

- (1) The scheme for providing or assisting in providing dwelling houses in force by virtue of section 7 of the *Housing Loans Ordinance 1949* in force immediately before the date of commencement of the *Housing Loans Ordinance 1970* and continued in force on or after that date, being the scheme the details of which were published in the *Gazette* No. 25 dated 1 July 1953 and amended as set out in *Gazettes* No. 28 dated 13 July 1955, No. 12 dated 16 March 1960, No. 18 dated 26 April 1962, No. 8 dated 16 February 1966, No. 24 dated 11 May 1966, No. 54 dated 18 December 1968, and No. 3 dated 19 January 1972, is further amended by omitting from condition 2 "\$9000" and substituting "\$12,000".
- (2) The scheme referred to in subregulation (1) as amended by that sub-regulation is further amended:
 - (a) by inserting after "partially erected dwelling houses" the words "(whether by way of repairs or modifications or otherwise)";
 - (b) by omitting from condition 2 "\$12,000" and substituting "\$15,000"; and
 - (c) by omitting from condition 7 "forty-five years" and substituting "32 years".

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- (3) The scheme referred to in subregulation (1) as amended by subregulations (1) and (2) is further amended by omitting from condition 2 "\$15,000" and substituting "\$20,000".

4 Copy of scheme as amended in schedule

A copy of the details of the scheme referred to in regulation 3 as amended by that regulation is set out in the Schedule.

Schedule Details of Scheme for providing or assisting in providing dwelling houses

regulation 4

Financial assistance may be granted towards the cost of purchasing or erecting or enlarging dwelling houses, or completing the erection of partially erected dwelling houses, (whether by way of repairs or modifications or otherwise) or of discharging mortgages on dwelling houses occupied by the person receiving such financial assistance, within the Northern Territory of Australia, on the following conditions:

1. (1) A loan will not be made:
 - (a) to any person who, or whose spouse or de facto partner already owns a dwelling-house in the Northern Territory, except for the purpose of discharging a mortgage upon or enlarging the only dwelling-house of which he is the owner;
 - (b) for the purpose of discharging a mortgage unless the conditions of the mortgage or the conditions of any further loans on the property are, in the opinion of the Trustee, unduly disadvantageous to the mortgager;
 - (c) to any person who, or whose spouse or de facto partner, has already received a loan except for the purpose of enlarging an existing dwelling-house; or
 - (d) in respect of any dwelling-house unless the person making application for the loan satisfies the Trustee that:
 - (i) if the loan is for the purpose of the purchase of a dwelling-house he will reside in the dwelling-house immediately on its purchase;
 - (ii) if the loan is for the purpose of the erection of a dwelling-house he will reside in the dwelling-house immediately on its completion; and
 - (iii) if the loan is for the purpose of the discharge of a mortgage on or for the purpose of enlarging a dwelling-house he is residing in the dwelling-house.
- (2) In subclause (1), **de facto partner** means:
 - (a) in relation to a man – a woman who is living with him as his wife on a bona fide domestic basis although not married to him; and

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- (b) in relation to a woman – a man who is living with her as her husband on a bona fide domestic basis although not married to her.
2. The maximum loan which may be made by the Trustee shall not exceed 95% of the first \$4,000 of the Trustee's valuation of the property and 90% of the balance of such valuation, but in no case shall the loan exceed \$20,000.
 3. An applicant for a loan will be required to lodge his application in the form required by the Trustee. When the loan is required for the purpose of erecting or enlarging a dwelling-house, the applicant shall also lodge with his application plans and specifications of the proposed work bearing the approval of the proper authority appointed under the Building Ordinance.
 4. In the event of the application being approved, the applicant will be required to pay relevant charges in respect of registration and discharge of mortgage and registration of transfer document where applicable.
 5. The borrower will be required to mortgage to the Trustee the property offered as security in accordance with the form adopted by the Trustee.
 6. Subject to the provisions of clause 8, the borrower will pay interest on the amount of the loan or the amount for the time being unrepaid, at a rate determined from time to time by the Trustee.
 7. The amount of the loan will be repayable within 32 years, or such lesser period of years as may be determined by the Trustee, by equal monthly repayment instalments which include:
 - (a) interest on the amount of the loan for the time being unrepaid at the net rate, namely, a rate which is one per cent less than the rate the Trustee determines in accordance with clause 6; and
 - (b) repayment of principal.
 8. Interest at one per cent included in the interest referred to in clause 6 will be payable separately on the dates fixed for payment of the repayment instalments, but the Trustee will waive payment of such interest in each case in which payment of a repayment instalment is made not later than the due date for payment and may waive payment of the whole or any portion of such interest, if he deems it advisable so to do, in any case in which payment of a repayment instalment is made after the due date for payment.

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9. In the case of a loan for the purpose of the erection of any dwelling-house or the enlargement of any existing dwelling-house, the amount of the loan may be advanced by instalments, and interest will be charged at the rate of one per cent more than the net rate aforesaid on so many of the instalments as have for the time being been advanced, computed from the respective dates of the same being advanced to the first day of the calendar month following the month in which the last instalment of the loan is advanced. Provided that if on or before the first day of the calendar month following the month in which the last instalment is advanced to the borrower, interest at the net rate aforesaid is paid by the borrower on so many of the instalments as have then been advanced, computed from the respective dates of the same being advanced, interest at the net rate will be accepted in lieu of interest at one per cent more than the net rate.
 10. The first monthly repayment instalment payable by the borrower in accordance with clause 7 hereof will be payable on the first day of the second month following the month in which the last instalment of the loan is advanced.
 11. The borrower will be entitled at any time, to repay the whole amount of the principal and interest for the time being owing and unpaid.
 12. The borrower will be entitled, on any day on which a repayment instalment is payable, to repay in addition to the repayment instalment an amount of \$10 or any multiple of \$10. Interest will be allowed on any amount so repaid at the net rate aforesaid, but the borrower will not be relieved from his obligation to pay the monthly instalments on the due dates for payments thereof.
 13. Any amounts paid by the borrower will be appropriated firstly in or towards satisfaction of any interest that may at the time be due and payable and the balance will be appropriated towards repayment of the principal.
 14. The borrower will pay ground rent, charges, rates, taxes and keep the property in good and tenantable repair.
 15. The borrower will insure the property with an insurance company approved by the Trustee, to the full insurable value in the name of the Trustee and will lodge the insurance policy and receipts for periodical renewal with the Trustee.
 16. The borrower will not let the property or give a second mortgage over it or dispose of his estate or interest therein, except with the written consent of the Trustee.

17. The borrower will be required to obtain a surveyor's certificate showing that the building is entirely within the boundaries of the land. The certificate must be obtained when the foundations have been laid.

ENDNOTES

1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = <i>Gazette</i>	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION

Housing Loans Regulations (SL No. 18, 1973)

Notified	18 October 1973
Commenced	18 October 1973 (r 2, <i>Housing Loans Ordinance 1970</i> (Act No. 72, 1970) and Gaz No. 42, 21 October 1973)

Amendments of the Housing Loans Regulations (SL No. 22, 1975)

Notified	28 November 1975
Commenced	28 November 1975

Amendments of the Housing Loans Regulations (SL No. 23, 1977)

Notified	22 December 1977
Commenced	22 December 1977

De Facto Relationships (Miscellaneous Amendments) Act 1991 (Act No. 82, 1991)

Assent date	24 December 1991
Commenced	1 January 1992

3 SAVINGS AND TRANSITIONAL PROVISIONS

- r 2 *Amendments of the Housing Loans Regulations* (SL No. 22, 1975)
r 2 *Amendments of the Housing Loans Regulations* (SL No. 23, 1977)

4 LIST OF AMENDMENTS

r 3	amd No. 22, 1975, r 1; No. 23, 1977, r 1
sch	amd No. 22, 1975, r 3; No. 23, 1977, r 3; Act No. 82, 1991, s 12