

**Reprint  
as at 1 January 2008**



**Family Benefits (Home Ownership)  
Act 1964**

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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

**This Act is administered by the Ministry of Social Development.**

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**An Act to consolidate and amend the law relating to the making of advances for housing purposes against the capitalised value of family benefits**

**1 Short Title**

This Act may be cited as the Family Benefits (Home Ownership) Act 1964.

**2 Interpretation**

(1) In this Act unless the context otherwise requires,—

**advance** means an advance for housing purposes made under this Act or under the Family Benefits (Home Ownership) Act 1958

**applicant** means any person who has applied for an advance

**beneficiary**, in relation to any family benefit, means the person to whom the family benefit was payable under the Social Security Act 1964, being a parent or step-parent of the child in respect of whom the benefit was payable

**capitalised value**, in relation to any family benefit, means the capitalised value of the benefit until the child in respect of whom it is payable attains the age of 16 years, or, where that value is calculated in respect of any earlier age, until the child attains that earlier age, determined under this Act

**charge holder** means the person in whose favour a charge is taken under section 13

**chief executive** means the chief executive of the department

**child** includes a stepchild in any case where the beneficiary is a step-parent of the child in respect of whom the family benefit was payable; and **parent** has a corresponding meaning

**department** means the department for the time being responsible for the administration of the Social Security Act 1964

**dwelling** includes all necessary outbuildings and appurtenances in connection with a dwelling

**family benefit** means the benefit of that name that was, until 31 March 1991, payable under the Social Security Act 1964 in respect of a child under 16 years of age

**land** includes any estate or interest, whether freehold or chattel, in real property

**Minister** means the Minister who is, with the authority of the Prime Minister, for the time being responsible for the administration of this Act

**pay period**, in relation to any family benefit, means a period of 4 complete weeks for which pursuant to the Social Security Act 1964 the benefit was payable.

- (2) Where a family benefit is payable in respect of 2 or more children, then, for the purposes of this Act, a separate benefit shall be deemed to be payable in respect of each child.

Compare: 1958 No 106 s 2; SR 1959/37 r 2; 1961 No 25 ss 2(2), 3(a)

Section 2(1) **beneficiary**: amended, on 1 April 1991, by section 2(1) of the Family Benefits (Home Ownership) Amendment Act 1991 (1991 No 3).

Section 2(1) **beneficiary**: amended, on 1 April 1965, pursuant to section 135(1) of the Social Security Act 1964 (1964 No 136).

Section 2(1) **chief executive**: inserted, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 2(1) **child**: amended, on 1 April 1991, by section 2(1) of the Family Benefits (Home Ownership) Amendment Act 1991 (1991 No 3).

Section 2(1) **Commission**: repealed, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 2(1) **department**: substituted, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 2(1) **family benefit**: substituted, on 1 April 1991, by section 2(2) of the Family Benefits (Home Ownership) Amendment Act 1991 (1991 No 3).

Section 2(1) **Minister**: inserted, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 2(1) **pay period**: amended, on 1 April 1991, by section 2(1) of the Family Benefits (Home Ownership) Amendment Act 1991 (1991 No 3).

Section 2(1) **pay period**: amended, on 1 April 1965, pursuant to section 135(1) of the Social Security Act 1964 (1964 No 136).

### 3 Housing purposes

Subject to the provisions of section 7, the following purposes are hereby declared to be housing purposes for the purpose of this Act, namely:

- (a) the acquisition of land and the erection thereon of a new dwelling, to be used by the beneficiary as a home for the beneficiary and for the family of the beneficiary:
- (b) the acquisition of land with a dwelling thereon that has not previously been occupied, to be used by the benefi-

ciary as a home for the beneficiary and for the family of the beneficiary:

- (c) the acquisition of land from the Crown with a dwelling thereon, to be used by the beneficiary as a home for the beneficiary and for the family of the beneficiary:
- (cc) the acquisition of land, otherwise than from the Crown, with a dwelling thereon that has been previously occupied, to be used by the beneficiary as a home for the beneficiary and for the family of the beneficiary:
- (d) the erection of a new dwelling on land already owned, to be used by the beneficiary as a home for the beneficiary and for the family of the beneficiary:
- (e) the making of alterations or additions to a dwelling to provide additional accommodation required for the needs of the family of the beneficiary:
- (f) the repayment or partial repayment of money owing under an obligation incurred on or before 1 January 1959, in—
  - (i) the acquisition of land with a dwelling thereon or the acquisition of land and the erection of a dwelling thereon or the erection of a dwelling on land already owned; or
  - (ii) the making of alterations or additions to a dwelling to provide additional accommodation required for the needs of the family of the beneficiary,—

if the dwelling is being used and will continue to be used by the beneficiary as a home for the beneficiary and for the family of the beneficiary:

- (g) the repayment or partial repayment of money owing under an obligation incurred on or after 1 January 1959, where both the following conditions are satisfied:
  - (i) the obligation was incurred for a housing purpose specified in paragraph (a) or paragraph (b) or paragraph (c) or paragraph (d); and
  - (ii) at the time the obligation was incurred the beneficiary or the spouse of the beneficiary was residentially qualified for an advance but was not eligible because the child in respect of whom the

benefit is payable was not born or had not attained the age of 1 year at that time:

- (h) the repayment, in whole or in part, of the unpaid balance of an advance previously made for housing purposes under this Act or under the Family Benefits (Home Ownership) Act 1958 that has become repayable pursuant to a determination of the chief executive under paragraph (b) or paragraph (c) of subsection (2) of section 19 or pursuant to subsection (4) of that section.

Compare: 1958 No 106 s 2A; 1961 No 25 s 2(1)

Section 3(cc): inserted, on 11 September 1969, by section 2(1) of the Family Benefits (Home Ownership) Amendment Act 1969 (1969 No 29).

Section 3(h): substituted, on 11 September 1969, by section 2(2) of the Family Benefits (Home Ownership) Amendment Act 1969 (1969 No 29).

Section 3(h): amended, on 1 October 1999, by section 13 of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

### *Administration*

#### **4 Administration**

- (1) This Act shall be administered in the department by the chief executive, and the chief executive shall administer this Act and shall exercise all the powers conferred on it by this Act under the general direction and control of the Minister.
- (2) In the exercise of its powers, functions, and discretions under this Act the chief executive shall comply with any general or special directions given to it in writing by the Minister. As soon as practicable after giving any such direction, the Minister shall publish in the *Gazette* and lay before Parliament a copy of the direction.

Compare: SR 1959/37 r 3

Section 4(1): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 4(2): added on 23 December 1977, by section 3(2) of the Social Security Amendment Act (No 2) 1977 (1977 No 133).

Section 4(2): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

**5 Delegation of powers of chief executive**

- (1) With the written consent of the Minister, the chief executive may from time to time, either generally or particularly, delegate to any Registrar or other officer of the department such of its powers under this Act or under any regulations under this Act as the chief executive determines.
- (2) Subject to the provisions of this section and to any general or special directions given or conditions attached by the chief executive, the officer to whom any powers are delegated under this section may exercise those powers in the same manner and with the same effect as if they had been conferred on him directly by this section and not by delegation.
- (3) Every person purporting to act pursuant to any delegation under this section shall be presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary.
- (4) Any delegation under this section may be made to a specified officer or to officers of a specified class, or may be made to the holder or holders for the time being of a specified office or class of offices.
- (5) Any delegation under this section may be at any time revoked by the chief executive, in whole or in part, and no such delegation shall prevent the exercise of any power by the chief executive.
- (6) Any applicant or beneficiary affected by any decision made by any officer in the exercise of any powers conferred on him by delegation under this section may, within 3 months after the communication of the decision to him, appeal therefrom to the chief executive.
- (7) The chief executive shall review every decision appealed from as aforesaid, and may at any time, of its own motion, review any other decision made by any officer in the exercise of any powers conferred on him by delegation under this section, and in any such case the chief executive may confirm, vary, or revoke the decision.

Section 5 heading: amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 5(1): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 5(2): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 5(5): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 5(6): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 5(7): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

### *Advances for housing purposes*

## **6 Advances for housing purposes**

Subject to the provisions of this Act, and notwithstanding anything in the Social Security Act 1964, on the application of a beneficiary who pursuant to section 10 of this Act is eligible to receive such an advance, the chief executive may, in its discretion, authorise the making of an advance for any housing purpose to the beneficiary of an amount not exceeding the capitalised value of the family benefit or benefits payable to the beneficiary:

provided that—

- (a) where application is made for an advance against the capitalised value of the family benefits payable in respect of 2 or more children of the beneficiary, the advance together with the amount of the unpaid balance of any other advance under this Act or under the Family Benefits (Home Ownership) Act 1958 previously made to the beneficiary shall not exceed \$4,000;
- (b) no such advance shall be made of an amount which, together with the amount of any previous advance or advances under this Act or under the Family Benefits (Home Ownership) Act 1958, is less than 200 pounds.

Compare: 1958 No 106 s 3; 1961 No 25 s 2(3)(a), (b), (4)

Section 6: amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).



Section 6: amended, on 1 April 1965, pursuant to section 135(1) of the Social Security Act 1964 (1964 No 136).

Section 6 proviso paragraph (a): amended (with effect on 17 August 1982), on 16 November 1982 (applying with respect to advances approved on or after 17 August 1982, whether the application was made before or on or after that date), by section 2(1) of the Family Benefits (Home Ownership) Amendment Act 1982 (1982 No 53).

#### **6A Cessation of advances for housing purposes**

- (1) Notwithstanding anything in section 6 or in any other provision of this Act, no advance under section 6 shall be made to any applicant who has been granted an advance by Housing New Zealand Corporation as a Homestart loan and designated as such by the Corporation.
- (2) Notwithstanding anything in section 10 or in any other provision of this Act, no certificate of eligibility shall be issued under section 10, and no renewal of any such certificate of eligibility shall be made, in respect of any application received by the chief executive, on or after 1 October 1986.

Section 6A: inserted, on 6 August 1986, by section 2(1) of the Family Benefits (Home Ownership) Amendment Act 1986 (1986 No 40).

Section 6A(1): amended, on 1 July 2001, by section 24(1) of the Housing Corporation Amendment Act 2001 (2001 No 37).

Section 6A(2): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

#### **7 Land in respect of which advance may be made**

- (1) No advance may be made, unless—
  - (a) the beneficiary is the sole owner of the land in respect of which the advance is made or will be the sole owner of the land when acquired; or
  - (b) the land in respect of which the advance is made is or will be settled on the beneficiary and the spouse of the beneficiary as a joint family home under the Joint Family Homes Act 1964; or
  - (c) in the case of an advance made in respect of Maori freehold land,—
    - (i) the beneficiary is the sole owner of the land or will be the sole owner of the land when acquired; or

- (ii) the beneficiary and the spouse of the beneficiary are the owners of the land as joint tenants or will be the owners of the land as joint tenants when acquired.
- (2) The chief executive may refuse to make an advance in respect of any land which is or will be used for or in association with any business, profession, or undertaking.

Compare: 1958 No 106 s 6

Section 7(1)(b): amended, on 1 April 1965, pursuant to section 27(1) of the Joint Family Homes Act 1964 (1964 No 45).

Section 7(2): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

## **8 Applications for advance**

- (1) Every application for an advance shall be made by the beneficiary on a form provided for the purpose by the chief executive, and shall be lodged in an office of the department.
- (2) Every beneficiary applying for an advance shall supply in writing such information in support of his application as the chief executive requires, and shall declare that the contents of his application are true and correct in every material point.
- (3) Where the beneficiary is married, the chief executive may require the application to be made jointly by the beneficiary and the spouse of the beneficiary.
- (4) It shall be the duty of every person to make true answers to all questions put to him by any member of the Commission or by a Registrar of the department or by any authorised officer or agent of the department or of Housing New Zealand Corporation or of Te Puni Kōkiri in respect of any application for an advance or other matter arising under this Act or any regulations under this Act, and without requiring the payment of any fee, to furnish in writing such certificates and information as may be required for the purposes of this Act or of any such regulations.

Compare: SR 1958/37 r 4

Section 8(1): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 8(2): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 8(3): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 8(4): amended, on 1 July 2001, by section 24(1) of the Housing Corporation Amendment Act 2001 (2001 No 37).

Section 8(4): amended, on 1 January 1992, pursuant to section 9(3)(a) of the Ministry of Maori Development Act 1991 (1991 No 145).

## **9 Declarations**

Any declaration required to be made for the purpose of this Act may be made before—

- (a) any person authorised to take a declaration under regulations made pursuant to section 132 of the Social Security Act 1964; or
- (b) any person authorised to take a statutory declaration; or
- (c) in a case of a declaration by a Maori, any of the aforesaid persons or any officer of the permanent staff of Te Puni Kōkiri.

Compare: SR 1958/37 r 15

Section 9(a): amended, on 1 April 1965, pursuant to section 135(1) of the Social Security Act 1964 (1964 No 136).

Section 9(c): amended, on 1 January 1992, pursuant to section 9(3)(a) of the Ministry of Maori Development Act 1991 (1991 No 145).

## **10 Eligibility of beneficiaries**

- (1) Where the chief executive is satisfied that the applicant is eligible to receive an advance and that the purpose for which the advance is applied for is a housing purpose, the chief executive may issue to the applicant a certificate of eligibility in a form provided for the purpose by the chief executive, stating that the applicant is eligible for an advance and specifying the housing purpose for which an advance may be made, the capitalised value of the family benefit or benefits in respect of which an advance may be made, and the date at which the capitalised value of the benefit or benefits has been ascertained:
- provided that a certificate of eligibility shall not be issued to the applicant, unless—

- (a) the child in respect of whom the family benefit is payable has attained the age of 1 year; and
  - (b) the chief executive, after taking into consideration the income and assets of the applicant and of the spouse of the applicant, is satisfied that—
    - (i) the application of the future payments of family benefit towards the repayment of any advance would not cause hardship to the applicant; and
    - (ii) the applicant or the spouse of the applicant could not reasonably be expected to arrange finance from any other source; and
  - (c) the applicant or the spouse of the applicant has resided in New Zealand for a period or periods aggregating not less than 3 years during the period of 10 years immediately preceding the date of his application for an advance.
- (2) For the purposes of this section a beneficiary shall be deemed to have resided in New Zealand during any period (whether before or after the commencement of this Act) during which, pursuant to section 79 of the Social Security Act 1964, he is deemed for the purposes of the Social Security Act 1964 to have been resident in New Zealand.
- (3) Every certificate of eligibility shall continue in force for a period of 12 months, but may from time to time, on the application of the beneficiary, be renewed for further periods of 12 months:  
provided that the chief executive may cancel any certificate of eligibility at any time where the chief executive is satisfied that the beneficiary is no longer eligible for an advance or the beneficiary requests that the certificate of eligibility be cancelled.
- (4) The provisions of subsections (1) to (3) shall apply with respect to every application for the renewal of a certificate of eligibility as if it were an application for such a certificate:  
provided that the chief executive may renew any such certificate on such terms and conditions as the chief executive determines.

- (5) The decision of the chief executive as to whether or not an applicant is eligible for an advance or is no longer eligible for an advance shall be final.
- (6) Where a certificate of eligibility is issued to a beneficiary, and so long as it continues in force, the family benefit or benefits shall be withheld from the beneficiary on and from the date specified in the certificate as the date as at which the capitalised value of the benefit or benefits has been ascertained.

Compare: SR 1959/37 r 6; SR 1961/161 r 4

Section 10(1): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 10(1) proviso paragraph (b): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 10(2): amended, on 1 October 1998, by section 57 of the Social Security Amendment Act 1998 (1998 No 19).

Section 10(2): amended, on 1 April 1965, pursuant to section 135(1) of the Social Security Act 1964 (1964 No 136).

Section 10(3) proviso: amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 10(3) proviso: amended, on 6 August 1986, by section 2(2) of the Family Benefits (Home Ownership) Amendment Act 1986 (1986 No 40).

Section 10(4) proviso: amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 10(5): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

## **11 Advances to beneficiaries**

Subject to the limits specified in section 6, an advance for any housing purpose may be made to any eligible beneficiary, upon such terms and subject to such conditions as the chief executive determines.

Compare: SR 1959/37 r 7; SR 1961/161 r 5

Section 11: amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

**12 Amount of advances**

- (1) The capitalised value of a family benefit for the purposes of an advance shall be calculated in accordance with—
- (a) the table set out in Schedule 3, in the case of an advance approved before 17 August 1982:
  - (b) the table set out in Schedule 4, in the case of an advance approved on or after that date—
- having regard to the number of pay periods that will occur from the date on which the benefit ceases to be payable to the beneficiary by reason of the advance until the end of the period for which the benefit is to be applied in repayment. If for any reason the family benefit is payable at a reduced rate, the capitalised value shall be calculated on the basis of the reduced rate.
- (2) An advance may be made of the capitalised value of a family benefit payable in respect of any child for a period expiring at the end of the pay period in which the child attains the age of 16 years or for any shorter period.

Compare: SR 1959/37 r 8; SR 1961/141 r 6

Section 12(1): substituted (with effect on 17 August 1982), on 16 November 1982 (applying with respect to advances approved on or after 17 August 1982, whether the application was made before or on or after that date), by section 3(1) of the Family Benefits (Home Ownership) Amendment Act 1982 (1982 No 53).

**13 Advances to be charged on land**

- (1) The amount of an advance shall be a charge upon the land in respect of which it is made, and the charge may be registered against the land in the manner prescribed by section 14.
- (2) Every charge created under this section shall be taken—
- (a) in favour of Her Majesty the Queen in any case where a loan on the security of the land has been granted or applied for under the Maori Housing Act 1935 or the Maori Trustee Act 1953:
  - (b) in favour of Housing New Zealand Corporation as agent for the chief executive in every other case.
- (3) Notwithstanding anything in any other Act, where the amount of any advance is applied in discharging or partially discharging any registered encumbrance existing on the land, the charge created by this section shall, when registered

under the Land Transfer Act 1952 or other appropriate Act, have priority over all registered encumbrances over which the encumbrances so discharged or partially discharged had priority, subject to the registration before the registration of the charge of a discharge or partial discharge, as the case may be, of the encumbrances so wholly or partially discharged.

- (4) Where an advance is applied in payment or partial payment of purchase money owing under a registered agreement for sale and purchase of land or under a registered lease or licence under which the beneficiary or the beneficiary and the spouse of the beneficiary are purchasing the fee simple of the land, the charge securing the repayment of the advance shall charge the interest of the beneficiary or, as the case may be, of the beneficiary and the spouse of the beneficiary in the agreement or lease or licence (or the fee simple, if the advance is applied in payment in full of the purchase money), and shall rank immediately before all other encumbrances registered against the agreement or lease or licence or, where the advance is applied in payment in full of the purchase money, immediately before all encumbrances to which the agreement or lease or licence was subject immediately before the acquisition of the fee simple by the beneficiary or by the beneficiary and the spouse of the beneficiary:  
provided that the charge holder may agree to accept a lower ranking in order of priority.
- (5) For the purposes of section 461 of the Maori Affairs Act 1953, a charge under this Act shall be deemed to be a mortgage.
- (6) *[Repealed]*
- (7) The Property Law Act 2007 applies to every such charge—
- (a) as if the charge were a mortgage over the land; and
  - (b) as if references to the mortgagor and to the mortgagee were references to the person giving the charge and to the charge holder respectively.
- (7A) In particular, and without limiting the generality of subsection (7), there is implied in the charge,—
- (a) on the part of the person giving it, the covenants by the mortgagor specified in Part 1 of Schedule 2 of the Property Law Act 2007; and

- (b) in favour of the charge holder, the powers and conditions specified in that schedule.
- (8) Where the land over which any such charge in favour of Housing New Zealand Corporation as agent for the chief executive is taken is a tenure of any of the kinds referred to in section 27 of the Housing Corporation Act 1974, the provisions of that section, as far as they are applicable and with the necessary modifications, shall apply as if the advance was a loan granted by the chief executive and as if references in that section to a mortgage and to the mortgagor were references to the charge and the person giving the charge respectively.
- (9) Every such charge in favour of Her Majesty the Queen may be enforced, sued upon, varied, or released on behalf of Her Majesty by any person for the time being authorised by the Board of Maori Affairs under section 30 of the Maori Housing Amendment Act 1938 or section 10 of the Maori Affairs Act 1953 to take proceedings or execute documents for the purposes of the Maori Housing Act 1935.
- (10) Nothing in section 11 of the Maori Housing Amendment Act 1938 shall apply with respect to any charge created by this section.

Compare: 1958 No 106 s 7; SR 1959/37 r 9; 1961 No 25 s 2(3)(c), (d); 1961 No 61 s 2; SR 1961/141 r 7

Section 13(2)(b): amended, on 1 July 2001, by section 24(1) of the Housing Corporation Amendment Act 2001 (2001 No 37).

Section 13(2)(b): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 13(6): repealed, on 1 April 1978, by section 126(a) of the Public Finance Act 1977 (1977 No 65).

Section 13(7): substituted, on 1 January 2008, by section 364(1) of the Property Law Act 2007 (2007 No 91).

Section 13(7A): inserted, on 1 January 2008, by section 364(1) of the Property Law Act 2007 (2007 No 91).

Section 13(8): amended, on 1 July 2001, by section 24(1) of the Housing Corporation Amendment Act 2001 (2001 No 37).

Section 13(8): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 13(8): amended, on 14 October 1974, pursuant to section 50(2) of the Housing Corporation Act 1974 (1974 No 19).



#### **14 Registration of charges and releases of charges**

- (1) Registration of a charge created by section 13 may be effected by depositing in duplicate with the District Land Registrar or other appropriate registering authority an instrument in form 1 of Schedule 2 duly executed by the registered proprietor or other owner of the land and witnessed.
- (2) Subject to the provisions of subsection (3) of section 13, the order of priority in which the charge shall rank in relation to any existing encumbrances shall be specified in the charge.
- (3) Where any advance is repaid or deemed to have been repaid, the charge holder shall execute in form 2 of Schedule 2 a release of the charge, which shall, upon presentation, be registered by the District Land Registrar or other appropriate registering authority. Where a charge is to be partially released, such modifications shall be made in the said form 2 as may be necessary.
- (4) Where the advance was made against the capitalised value of the family benefits payable in respect of 2 or more children, a partial release of the charge may be executed and registered when so much of the advance as was made in respect of the benefit payable in respect of any one such child has been repaid or is deemed to have been repaid.

Compare: SR 1959/37 r 13

#### **15 Repayment of advances**

- (1) Subject to subsection (2) and to sections 18 and 19, where an advance was made to a beneficiary under this Act, that advance shall continue to be repayable until the child in respect of whom family benefit was payable attains the age in respect of which the capitalised value of the benefit was calculated for the purposes of the advance. On attainment of that age by the child the advance, to the extent to which it was made in respect of that benefit, shall be deemed to have been repaid.
- (2) Where the child in respect of whom a family benefit is payable dies after the expiration of 1 year from the date of the advance and before attaining the age in respect of which the capitalised value of the benefit was calculated for the purpose of the advance and before any event has occurred by reason of which the unpaid balance of the advance or any part thereof has be-

come repayable, any advance, to the extent that it was made in respect of that benefit, shall be deemed to have been repaid on the death of the child.

Compare: 1958 No 106 s 5; 1961 No 25 s 3(b)

Section 15 heading: substituted, on 1 April 1991, by section 3 of the Family Benefits (Home Ownership) Amendment Act 1991 (1991 No 3).

Section 15(1): substituted, on 1 April 1991, by section 3(1) of the Family Benefits (Home Ownership) Amendment Act 1991 (1991 No 3).

## 16 Death of both parents of child

Where an advance is made in respect of a family benefit, and—

- (a) the beneficiary and the spouse (if any) of the beneficiary at the date of the advance both die before the child in respect of whom the benefit was payable attains the age in respect of which the capitalised value of the benefit was calculated for the purposes of the advance, and before the occurrence of any event by reason of which the unpaid balance of the advance, or any part thereof, has become repayable; and
- (b) after the death of the survivor of the beneficiary and the spouse of the beneficiary, or, as the case may be, after the death of the beneficiary, an orphan's benefit or an unsupported child's benefit is granted under the Social Security Act 1964 in respect of that child,—

the advance, to the extent to which it was made in respect of the family benefit payable in respect of that child, shall, if the chief executive so determines, be deemed to have been repaid on the date of the commencement of that orphan's benefit or an unsupported child's benefit.

Section 16: amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 16: amended, on 1 April 1991, by section 4 of the Family Benefits (Home Ownership) Amendment Act 1991 (1991 No 3).

Section 16(b): amended, on 1 April 1991, by section 4 of the Family Benefits (Home Ownership) Amendment Act 1991 (1991 No 3).

Section 16(b): amended, on 1 April 1965, pursuant to section 135(1) of the Social Security Act 1964 (1964 No 136).

**17 Resumption of payment of benefit**

*[Repealed]*

Section 17: repealed, on 1 April 1991, by section 5 of the Family Benefits (Home Ownership) Amendment Act 1991 (1991 No 3).

**18 Repayment of advance where death of child caused by parent**

- (1) Notwithstanding anything in section 15, where the child in respect of whom an advance has been made dies after the expiration of 1 year from the date of the advance and before attaining the age in respect of which the capitalised value of the benefit was calculated for the purpose of the advance, and the death of the child is caused by an offence of which a parent of the child is convicted, being an offence which is culpable homicide within the meaning of the Crimes Act 1961, the chief executive may apply to a District Court Judge for an order declaring that the unpaid balance of the advance at the date of death of the child became repayable on that date.
- (2) On any application under subsection (1), the District Court Judge shall, having regard to the conduct of the parents of the child and to all the circumstances of the case,—
  - (a) make an order declaring that the unpaid balance of the advance became repayable on the death of the child; or
  - (b) make such other order as he thinks fit in order to ensure that any parent who was so convicted or whose conduct, in the opinion of the District Court Judge, contributed to the death of the child will not derive any benefit from the death of the child; or
  - (c) make an order declaring that the unpaid balance of the advance shall be deemed to have been repaid on the death of the child.
- (3) Where the District Court Judge makes an order under paragraph (a) of subsection (2), interest at the rate prescribed by subsection (1) of section 21 shall be payable on the unpaid balance of the advance from the date of death of the child.

Compare: 1958 No 106 s 5A; 1961 No 25 s 4

Section 18(1): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 18(1): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Section 18(2): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Section 18(2)(b): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Section 18(3): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

## **19 Repayment of advances**

- (1) Subject to the provisions of section 18, the unpaid balance of an advance shall be repayable upon demand signed by the charge holder or by the person entitled to enforce the charge under section 13 or by any agent or servant or clerk of the charge holder or of that person, served upon the beneficiary and where necessary the spouse of the beneficiary, either personally or by posting the notice in a duly registered letter addressed to him at his usual or last known place of abode in New Zealand.
- (2) Without limiting the circumstances in which such a demand may be made, demand may, if the chief executive so determines, be made—
  - (a) on the occurrence of any event (other than the death after the expiration of 1 year from the date of the advance of a child in respect of whom the benefit was payable or the abolition of family benefit) by reason of which the benefit or any part thereof would have ceased to be payable to the beneficiary if the advance had not been made; or
  - (b) on the transfer or lease or other disposition by the beneficiary or by the beneficiary and the spouse of the beneficiary of the land in respect of which the advance was made or the occurrence of any event by which the beneficiary ceases to be the owner or one of the owners of the land; or
  - (c) on the beneficiary, or any child in respect of whom the benefit to which the advance relates was payable, ceasing to occupy as a home the land in respect of which the advance was made; or

- (d) on the conviction of the beneficiary or the spouse of the beneficiary of any offence against this Act or of any offence against the Social Security Act 1964 relating to a family benefit in respect of which the advance was made.
- (3) The fact that any such demand is made by the charge holder or by the person entitled to enforce the charge under section 13 or by any agent or servant or clerk of the charge holder or of that person shall be sufficient evidence of the authority of the charge holder or of that person, agent, servant, or clerk to make the demand.
- (4) Where the child in respect of whom a family benefit was payable dies within 1 year after the date of an advance in respect of that benefit, the unpaid balance of the advance, unless it is sooner repaid by the beneficiary, shall remain charged against the land until the repayment is required by the charge holder.
- (5) For the purposes of this Act, the date of an advance shall be deemed to be the date on which the family benefit in respect of which the advance was made ceases to be payable to the beneficiary by reason of the advance.

Compare: SR 1959/37 r 10

Section 19(2): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 19(2)(a): amended, on 1 April 1991, by section 6 of the Family Benefits (Home Ownership) Amendment Act 1991 (1991 No 3).

Section 19(2)(d): amended, on 1 April 1965, pursuant to section 135(1) of the Social Security Act 1964 (1964 No 136).

## **20 Calculation of unpaid balance of advance**

For the purposes of this Act, the amount of the unpaid balance of an advance shall be calculated in accordance with—

- (a) the table set out in Schedule 1, in the case of an advance approved before 2 June 1978:
- (b) the table set out in Schedule 3, in the case of an advance approved on or after 2 June 1978 but before 17 August 1982:
- (c) the table set out in Schedule 4, in the case of an advance approved on or after 17 August 1982—

and shall be an amount equal to the capitalised value of the benefit in respect of which it was made for the number of pay periods of the advance less the number of pay periods that have elapsed since the date of the advance, calculated, as if for an advance in the first instance, from the end of the pay period during which the event occurred which results in the advance becoming repayable.

Section 20: substituted (with effect on 17 August 1982), on 16 November 1982 (applying with respect to advances approved on or after 17 August 1982, whether the application was made before or on or after that date), by section 5(1) of the Family Benefits (Home Ownership) Amendment Act 1982 (1982 No 53).

## **21 Interest on unpaid balance of advance**

- (1) Where an order is made under paragraph (a) of subsection (2) of section 18 declaring that the unpaid balance of an advance became repayable on the death of the child, the unpaid balance of the advance shall bear interest from that date at the rate of 5 pounds per cent per annum.
- (2) In all other cases the chief executive, in its discretion, may determine the rate of interest (if any) payable on the unpaid balance of the advance, but in no case shall that rate be higher than 5 pounds per cent per annum.

Compare: SR 1959/37 r 12; SR 1961/141 r 8

Section 21(2): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

## **22 Recovery of unpaid balance**

The unpaid balance of an advance that has become repayable pursuant to this Act and any interest thereon may be recovered as a debt due to the Crown at the suit of the chief executive, or the chief executive, or the Commission may make any necessary adjustments in any instalments of the benefit or any other benefit under the Social Security Act 1964 payable or thereafter becoming payable to the beneficiary or to the spouse of the beneficiary.

Section 22: amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 22: amended, on 1 October 1998, by section 57 of the Social Security Amendment Act 1998 (1998 No 19).

Section 22: amended, on 1 April 1965, pursuant to section 135(1) of the Social Security Act 1964 (1964 No 136).

### *Miscellaneous provisions*

#### **23 Financial provisions**

(1) Every advance shall be made, out of a Crown Bank Account, from money appropriated by Parliament for the purpose.

(2) *[Repealed]*

(3) *[Repealed]*

(4) *[Repealed]*

(5) *[Repealed]*

Compare: 1958 No 106 s 4; 1963 No 46 s 17

Section 23(1): amended, on 25 January 2005, pursuant to section 83(7) of the Public Finance Act 1989 (1989 No 44).

Section 23(2): repealed, on 1 April 1978, by section 126(c) of the Public Finance Act 1977 (1977 No 65).

Section 23(3): repealed, on 1 April 1978, by section 126(c) of the Public Finance Act 1977 (1977 No 65).

Section 23(4): repealed, on 1 April 1978, by section 126(c) of the Public Finance Act 1977 (1977 No 65).

Section 23(5): repealed, on 1 April 1978, by section 126(c) of the Public Finance Act 1977 (1977 No 65).

#### **24 Exemption from stamp duty**

*[Repealed]*

Section 24: repealed, on 1 January 1972, by section 101(1) of the Stamp and Cheque Duties Act 1971 (1971 No 51).

#### **25 Exemption from fees**

No fee shall be payable under any Act in respect of registration of any document required for the purpose of registering or releasing (whether wholly or in part) any charge created under section 13.

Compare: SR 1959/37 r 14

#### **26 Offences and penalties**

(1) Every person commits an offence against this Act who—

- (a) in relation to any application for an advance, whether to himself or to any other person, makes any statement knowing it to be false in any material particular or otherwise wilfully attempts to mislead any officer concerned in the administration of this Act or any other person whomsoever; or
  - (b) being a beneficiary or the spouse of a beneficiary to whom an advance has been made,—
    - (i) fails, within a reasonable time after being required so to do, to supply in writing to the chief executive any information reasonably required by the chief executive for the purpose of ascertaining whether or not the conditions on which the advance was made have been fulfilled or whether or not any event has occurred by reason of which the advance or any part thereof has become repayable; or
    - (ii) supplies any such information knowing it to be false or misleading in any material particular; or
  - (c) except in a case to which paragraph (a) or paragraph (b) applies, wilfully fails to comply with any of the requirements of subsection (4) of section 8.
- (2) Any person who commits an offence against paragraph (a) or paragraph (b) of subsection (1) is liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding 100 pounds.
- (3) Every person who commits an offence against paragraph (c) of subsection (1) is liable on summary conviction to a fine not exceeding 50 pounds.

Compare: SR 1959/37 r 16

Section 26(1)(b)(i): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

## 27 Regulations

The Governor-General may from time to time, by Order in Council, make regulations providing for such matters as are



necessary for giving full effect to the provisions of this Act and for the due administration thereof.

Compare: 1958 No 106 s 9; 1961 No 25 ss 2(3)(e), 3(c), (d)

**28 Repeals and revocations**

- (1) The following enactments are hereby repealed:
    - (a) the Family Benefits (Home Ownership) Act 1958:
    - (b) the Family Benefits (Home Ownership) Amendment Act 1960:
    - (c) the Family Benefits (Home Ownership) Amendment Act 1961:
    - (d) *Amendment(s) incorporated in the Act(s).*
  - (2) The following regulations are hereby revoked:
    - (a) the Family Benefits (Home Ownership) Regulations 1959:
    - (b) the Family Benefits (Home Ownership) Regulations 1959, Amendment No 2.
-

**Schedule 1**

ss 12, 20

**Table for calculating capitalised value  
of family benefits and unpaid balance of  
advances approved before 2 June 1978**

Schedule 1 heading: amended (with effect on 2 June 1978), on 25 August 1978 (applying with respect to advances approved on or after 2 June 1978, whether the application for the advance was made before or on or after that date), by section 2(3)(c) of the Family Benefits (Home Ownership) Amendment Act 1978 (1978 No 18).

Number of pay periods for which benefit capitalised	Capitalised value of benefit		
	£	s	d
1	3	0	0
2	6	0	0
3	8	19	0
4	11	18	0
5	14	17	0
6	17	16	0
7	20	15	0
8	23	14	0
9	26	13	0
10	29	12	0
11	32	11	0
12	35	10	0
13	38	8	0
14	41	6	0
15	44	4	0
16	47	2	0
17	50	0	0
18	52	18	0
19	55	15	0
20	58	12	0
21	61	9	0
22	64	6	0
23	67	3	0
24	70	0	0
25	72	17	0

Number of pay periods for which benefit capitalised	Capitalised value of benefit		
	£	s	d
26	75	13	0
27	78	9	0
28	81	5	0
29	84	1	0
30	86	17	0
31	89	13	0
32	92	9	0
33	95	5	0
34	98	1	0
35	100	16	0
36	103	11	0
37	106	6	0
38	109	1	0
39	111	16	0
40	114	11	0
41	117	6	0
42	120	0	0
43	122	14	0
44	125	8	0
45	128	2	0
46	130	16	0
47	133	10	0
48	136	4	0
49	138	18	0
50	141	12	0
51	144	6	0
52	146	19	0
53	149	12	0
54	152	5	0
55	154	18	0
56	157	11	0
57	160	4	0
58	162	17	0

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Number of pay periods for which benefit capitalised	Capitalised value of benefit		
	£	s	d
59	165	9	0
60	168	1	0
61	170	13	0
62	173	5	0
63	175	17	0
64	178	9	0
65	181	1	0
66	183	13	0
67	186	4	0
68	188	15	0
69	191	6	0
70	193	17	0
71	196	8	0
72	198	19	0
73	201	10	0
74	204	1	0
75	206	12	0
76	209	3	0
77	211	13	0
78	214	3	0
79	216	13	0
80	219	3	0
81	221	13	0
82	224	3	0
83	226	13	0
84	229	2	0
85	231	11	0
86	234	0	0
87	236	9	0
88	238	18	0
89	241	7	0
90	243	16	0
91	246	5	0

Number of pay periods for which benefit capitalised	Capitalised value of benefit		
	£	s	d
92	248	14	0
93	251	2	0
94	253	10	0
95	255	18	0
96	258	6	0
97	260	14	0
98	263	2	0
99	265	10	0
100	267	18	0
101	270	6	0
102	272	14	0
103	275	1	0
104	277	8	0
105	279	15	0
106	282	2	0
107	284	9	0
108	286	16	0
109	289	3	0
110	291	9	0
111	293	15	0
112	296	1	0
113	298	7	0
114	300	13	0
115	302	19	0
116	305	5	0
117	307	11	0
118	309	17	0
119	312	3	0
120	314	8	0
121	316	13	0
122	318	18	0
123	321	3	0
124	323	8	0

Number of pay periods for which benefit capitalised	Capitalised value of benefit		
	£	s	d
125	325	13	0
126	327	18	0
127	330	3	0
128	332	8	0
129	334	13	0
130	336	17	0
131	339	1	0
132	341	5	0
133	343	9	0
134	345	13	0
135	347	17	0
136	350	1	0
137	352	5	0
138	354	9	0
139	356	12	0
140	358	15	0
141	360	18	0
142	363	1	0
143	365	4	0
144	367	7	0
145	369	10	0
146	371	13	0
147	373	16	0
148	375	19	0
149	378	1	0
150	380	3	0
151	382	5	0
152	384	7	0
153	386	9	0
154	388	11	0
155	390	13	0
156	392	15	0
157	394	17	0

Number of pay periods for which benefit capitalised	Capitalised value of benefit		
	£	s	d
158	396	19	0
159	399	0	0
160	401	1	0
161	403	2	0
162	405	3	0
163	407	4	0
164	409	5	0
165	411	6	0
166	413	7	0
167	415	8	0
168	417	9	0
169	419	9	0
170	421	9	0
171	423	9	0
172	425	9	0
173	427	9	0
174	429	9	0
175	431	9	0
176	433	9	0
177	435	9	0
178	437	9	0
179	439	8	0
180	441	7	0
181	443	6	0
182	445	5	0
183	447	4	0
184	449	3	0
185	451	2	0
186	453	1	0
187	454	19	0
188	456	17	0
189	458	15	0
190	460	13	0

<b>Number of pay periods for which benefit capitalised</b>	<b>Capitalised value of benefit</b>		
	<b>£</b>	<b>s</b>	<b>d</b>
191	462	11	0
192	464	9	0
193	466	7	0
194	468	5	0
195	470	2	0
196	471	19	0
197	473	16	0

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**Schedule 2**

s 14(1)

Form 1

Charge under section 13 of the Family Benefits  
(Home Ownership) Act 1964

Full name(s) of (registered proprietor(s)) (owner(s)) (deemed by the  
above Act to be **the mortgagor**):

Estate:

Land: [*area and particulars*]

Reference to title in register:

The ranking of this charge in relation to existing encumbrances in  
their order of priority is shown in the Schedule.

Charge holder (deemed by the above Act to be **the mortgagee**):

Advance: £[*amount*]

Date of advance:

Rate of interest: as prescribed by section 21 of the Family Benefits  
(Home Ownership) Act 1964.

How and when principal and interest repayable: upon demand.

Special covenants or conditions:

And for the better securing to the charge holder the repayment of the  
said advance and interest and other money I (we) hereby charge and  
mortgage to the charge holder all my (our) estate and interest in the  
land above described.

Schedule

Ranking of charge in relation to existing  
encumbrances in order of priority

Eg, First – Memorandum of mortgage No [*number*] securing the sum  
of £[*amount*].

Second – This charge.

Third – Memorandum of mortgage No [*number*] securing the sum of  
£[*amount*].

As witness my (our) hand(s) this [*date*].

Form 1—*continued*

Signed by the said [*specify*]  
in the presence of [*specify*]

Schedule 2 form 1 heading: amended, on 20 May 1999 (applying to instruments executed after 20 May 1999 and instruments executed between 20 May 1991 and 20 May 1999 (both dates inclusive) if the transactions to which the instruments relate are not completed or, in the case of leases are not carried into effect, on or before 20 May 1999), by section 7 of the Stamp Duty Abolition Act 1999 (1999 No 61).

## Form 2

s 14(3)

## Release of charge

[*Name of charge holder*] as the charge holder under the within-written charge hereby for valuable consideration received releases from that charge the within-described land, estate, and interest, which ceases to be subject to the charge or liable for the repayment of the advance secured by the charge.

Date:

.....

[*To be executed by charge holder or person authorised to sign release on behalf of charge holder.*]

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**Schedule 3**

ss 12, 20

**Table for calculating capitalised value  
of family benefits and unpaid balance of  
advances approved on or after 2 June  
1978 but before 17 August 1982**

Schedule 3: added (with effect on 2 June 1978), on 25 August 1978 (applying with respect to advances approved on or after 2 June 1978, whether the application for the advance was made before or on or after that date), by section 2(2) of the Family Benefits (Home Ownership) Amendment Act 1978 (1978 No 18).

Schedule 3 heading: amended (with effect on 17 August 1982), on 16 November 1982 (applying with respect to advances approved on or after 17 August 1982, whether the application was made before or on or after that date), by section 6 of the Family Benefits (Home Ownership) Amendment Act 1982 (1982 No 53).

<b>Number of pay periods for which benefit capitalised</b>	<b>Capitalised value of benefit (\$)</b>
1	12.00
2	24.00
3	35.80
4	47.60
5	59.40
6	71.20
7	83.00
8	94.80
9	106.60
10	118.40
11	130.20
12	142.00
13	153.60
14	165.20
15	176.80
16	188.40
17	200.00
18	211.60
19	223.00
20	234.40
21	245.80
22	257.20
23	268.60

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<b>Number of pay periods for which benefit capitalised</b>	<b>Capitalised value of benefit (\$)</b>
24	280.00
25	291.40
26	302.60
27	313.80
28	325.00
29	336.20
30	347.40
31	358.60
32	369.80
33	381.00
34	392.20
35	403.20
36	414.20
37	425.20
38	436.20
39	447.20
40	458.20
41	469.20
42	480.00
43	490.80
44	501.60
45	512.40
46	523.20
47	534.00
48	544.80
49	555.60
50	566.40
51	577.20
52	587.80
53	598.40
54	609.00
55	619.60
56	630.20
57	640.80

<b>Number of pay periods for which benefit capitalised</b>	<b>Capitalised value of benefit (\$)</b>
58	651.40
59	661.80
60	672.20
61	682.60
62	693.00
63	703.40
64	713.80
65	724.20
66	734.60
67	744.80
68	755.00
69	765.20
70	775.40
71	785.60
72	795.80
73	806.00
74	816.20
75	826.40
76	836.60
77	846.60
78	856.60
79	866.60
80	876.60
81	886.60
82	896.60
83	906.60
84	916.40
85	926.20
86	936.00
87	945.80
88	955.60
89	965.40
90	975.20
91	985.00

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<b>Number of pay periods for which benefit capitalised</b>	<b>Capitalised value of benefit (\$)</b>
92	994.80
93	1,004.40
94	1,014.00
95	1,023.60
96	1,033.20
97	1,042.80
98	1,052.40
99	1,062.00
100	1,071.60
101	1,081.20
102	1,090.80
103	1,100.20
104	1,109.60
105	1,119.00
106	1,128.40
107	1,137.80
108	1,147.20
109	1,156.60
110	1,165.80
111	1,175.00
112	1,184.20
113	1,193.40
114	1,202.60
115	1,211.80
116	1,221.00
117	1,230.20
118	1,239.40
119	1,248.60
120	1,257.60
121	1,266.60
122	1,275.60
123	1,284.60
124	1,293.60
125	1,302.60

<b>Number of pay periods for which benefit capitalised</b>	<b>Capitalised value of benefit (\$)</b>
126	1,311.60
127	1,320.60
128	1,329.60
129	1,338.60
130	1,347.40
131	1,356.20
132	1,365.00
133	1,373.80
134	1,382.60
135	1,391.40
136	1,400.20
137	1,409.00
138	1,417.80
139	1,426.40
140	1,435.00
141	1,443.60
142	1,452.20
143	1,460.80
144	1,469.40
145	1,478.00
146	1,486.60
147	1,495.20
148	1,503.80
149	1,512.20
150	1,520.60
151	1,529.00
152	1,537.40
153	1,545.80
154	1,554.20
155	1,562.60
156	1,571.00
157	1,579.40
158	1,587.80
159	1,596.00

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<b>Number of pay periods for which benefit capitalised</b>	<b>Capitalised value of benefit (\$)</b>
160	1,604.20
161	1,612.40
162	1,620.60
163	1,628.80
164	1,637.00
165	1,645.20
166	1,653.40
167	1,661.60
168	1,669.80
169	1,677.80
170	1,685.80
171	1,693.80
172	1,701.80
173	1,709.80
174	1,717.80
175	1,725.80
176	1,733.80
177	1,741.80
178	1,749.80
179	1,757.60
180	1,765.40
181	1,773.20
182	1,781.00
183	1,788.80
184	1,796.60
185	1,804.40
186	1,812.20
187	1,819.80
188	1,827.40
189	1,835.00
190	1,842.60
191	1,850.20
192	1,857.80
193	1,865.40



<b>Number of pay periods for which benefit capitalised</b>	<b>Capitalised value of benefit (\$)</b>
194	1,873.00
195	1,880.40
196	1,887.80
197	1,895.20

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**Schedule 4**

ss 12, 20

**Table for calculating capitalised value  
of family benefits and unpaid balance of  
advances approved on or after 17 August  
1982**

Schedule 4: added (with effect on 17 August 1982), on 16 November 1982 (applying with respect to advances approved on or after 17 August 1982, whether the application was made before or on or after that date), by section 7 of the Family Benefits (Home Ownership) Amendment Act 1982 (1982 No 53).

<b>Number of pay periods for which benefit capitalised</b>	<b>Capitalised value of benefit (\$)</b>
1	24.00
2	48.00
3	71.60
4	95.20
5	118.80
6	142.40
7	166.00
8	189.60
9	213.20
10	236.80
11	260.40
12	284.00
13	307.20
14	330.40
15	353.60
16	376.80
17	400.00
18	423.20
19	446.00
20	468.80
21	491.60
22	514.40
23	537.20
24	560.00
25	582.80

<b>Number of pay periods for which benefit capitalised</b>	<b>Capitalised value of benefit (\$)</b>
26	605.20
27	627.60
28	650.00
29	672.40
30	694.80
31	717.20
32	739.60
33	762.00
34	784.40
35	806.40
36	828.40
37	850.40
38	872.40
39	894.40
40	916.40
41	938.40
42	960.00
43	981.60
44	1,003.20
45	1,024.80
46	1,046.40
47	1,068.00
48	1,089.60
49	1,111.20
50	1,132.80
51	1,154.40
52	1,175.60
53	1,196.80
54	1,218.00
55	1,239.20
56	1,260.40
57	1,281.60
58	1,302.80
59	1,323.60

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<b>Number of pay periods for which benefit capitalised</b>	<b>Capitalised value of benefit (\$)</b>
60	1,344.40
61	1,365.20
62	1,386.00
63	1,406.80
64	1,427.60
65	1,448.40
66	1,469.20
67	1,489.60
68	1,510.00
69	1,530.40
70	1,550.80
71	1,571.20
72	1,591.60
73	1,612.00
74	1,632.40
75	1,652.80
76	1,673.20
77	1,693.20
78	1,713.20
79	1,733.20
80	1,753.20
81	1,773.20
82	1,793.20
83	1,813.20
84	1,832.80
85	1,852.40
86	1,872.00
87	1,891.60
88	1,911.20
89	1,930.80
90	1,950.40
91	1,970.00
92	1,989.60
93	2,008.80

<b>Number of pay periods for which benefit capitalised</b>	<b>Capitalised value of benefit (\$)</b>
94	2,028.00
95	2,047.20
96	2,066.40
97	2,085.60
98	2,104.80
99	2,124.00
100	2,143.20
101	2,162.40
102	2,181.60
103	2,200.40
104	2,219.20
105	2,238.00
106	2,256.80
107	2,275.60
108	2,294.40
109	2,313.20
110	2,331.60
111	2,350.00
112	2,368.40
113	2,386.80
114	2,405.20
115	2,423.60
116	2,442.00
117	2,460.40
118	2,478.80
119	2,497.20
120	2,515.20
121	2,533.20
122	2,551.20
123	2,569.20
124	2,587.20
125	2,605.20
126	2,623.20
127	2,641.20

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<b>Number of pay periods for which benefit capitalised</b>	<b>Capitalised value of benefit (\$)</b>
128	2,659.20
129	2,677.20
130	2,694.80
131	2,712.40
132	2,730.00
133	2,747.60
134	2,765.20
135	2,782.80
136	2,800.40
137	2,818.00
138	2,835.60
139	2,852.80
140	2,870.00
141	2,887.20
142	2,904.40
143	2,921.60
144	2,938.80
145	2,956.00
146	2,973.20
147	2,990.40
148	3,007.60
149	3,024.40
150	3,041.20
151	3,058.00
152	3,074.80
153	3,091.60
154	3,108.40
155	3,125.20
156	3,142.00
157	3,158.80
158	3,175.60
159	3,192.00
160	3,208.40
161	3,224.80

<b>Number of pay periods for which benefit capitalised</b>	<b>Capitalised value of benefit (\$)</b>
162	3,241.20
163	3,257.60
164	3,274.00
165	3,290.40
166	3,306.80
167	3,323.20
168	3,339.60
169	3,355.60
170	3,371.60
171	3,387.60
172	3,403.60
173	3,419.60
174	3,435.60
175	3,451.60
176	3,467.60
177	3,483.60
178	3,499.60
179	3,515.20
180	3,530.80
181	3,546.40
182	3,562.00
183	3,577.60
184	3,593.20
185	3,608.80
186	3,624.40
187	3,639.60
188	3,654.80
189	3,670.00
190	3,685.20
191	3,700.40
192	3,715.60
193	3,730.80
194	3,746.00
195	3,760.80

<b>Number of pay periods for which benefit capitalised</b>	<b>Capitalised value of benefit (\$)</b>
196	3,775.60
197	3,790.40

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## **Contents**

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  - 2 Status of reprints
  - 3 How reprints are prepared
  - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
  - 5 List of amendments incorporated in this reprint (most recent first)
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## **Notes**

### **1 *General***

This is a reprint of the Family Benefits (Home Ownership) Act 1964. It incorporates all the amendments to the Act as at 1 January 2008, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

### **2 *Status of reprints***

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

### **3 *How reprints are prepared***

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and

provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

#### **4 Changes made under section 17C of the Acts and Regulations Publication Act 1989**

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5** *List of amendments incorporated in this reprint  
(most recent first)*

Property Law Act 2007 (2007 No 91): section 364(1)

Housing Corporation Amendment Act 2001 (2001 No 37): section 24(1)

Department of Child, Youth and Family Services Act 1999 (1999 No 82):  
section 13

Stamp Duty Abolition Act 1999 (1999 No 61): section 7

Employment Services and Income Support (Integrated Administration) Act  
1998 (1998 No 96): section 11

Social Security Amendment Act 1998 (1998 No 19): section 57

Ministry of Maori Development Act 1991 (1991 No 145): section 9(3)(a)

Family Benefits (Home Ownership) Amendment Act 1991 (1991 No 3)

Public Finance Act 1989 (1989 No 44): section 83(7)

Family Benefits (Home Ownership) Amendment Act 1986 (1986 No 40)

Family Benefits (Home Ownership) Amendment Act 1982 (1982 No 53)

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District Courts Amendment Act 1979 (1979 No 125): section 18(2)  
Family Benefits (Home Ownership) Amendment Act 1978 (1978 No 18)  
Social Security Amendment Act (No 2) 1977 (1977 No 133): section 3(2)  
Public Finance Act 1977 (1977 No 65): section 126(a), (c)  
Maori Affairs Amendment Act 1974 (1974 No 73): section 5(2)  
Housing Corporation Act 1974 (1974 No 19): section 50(1)  
Stamp and Cheque Duties Act 1971 (1971 No 51): section 101(1)  
Family Benefits (Home Ownership) Amendment Act 1969 (1969 No 29)  
Social Security Act 1964 (1964 No 136): section 135(1)  
Joint Family Homes Act 1964 (1964 No 45): section 27(1)

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