



STATUTORY RULES

1972 No. 172

REGULATIONS UNDER THE WAR SERVICE HOMES ACT 1918-1971.*

I, THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *War Service Homes Act 1918-1971*.

Dated this *twelfth*
day of *October*, 1972.

John Hasluck
Governor-General.

By His Excellency's Command,

Sgd. KEVIN M. CAIRNS

Minister of State for Housing.

AMENDMENTS OF THE WAR SERVICE HOMES REGULATIONS†

1. Regulation 74C of the War Service Homes Regulations is amended by omitting the words "sub-section (2.) or (2A.)" (wherever occurring) and inserting in their stead the words "sub-section (2.), (2A.) or (3.)". Determination of tenancy.
2. Regulation 74D of the War Service Homes Regulations is amended—
 - (a) by omitting the words "sub-section (2.) or (2A.)" and inserting in their stead the words "sub-section (2.), (2A.) or (3.)"; and
 - (b) by omitting the words "under sub-section (3.)" and inserting in their stead the words "under sub-section (5.)". Notice of intention to apply for a warrant.
3. After regulation 74D of the War Service Homes Regulations the following regulation is inserted:—

"74DA. Where a tenancy of a dwelling house has been determined by the death of the tenant, the Director, if he intends to make an application to the Court for a warrant under sub-section (5.) of section 30A of the Act, shall cause to be served on the occupier of the dwelling house a notice of intention to apply for a warrant, in accordance with Form C, not less than seven days before the day stated in the notice as the day on which the application is to be made."

Determination of tenancy by death.
4. Regulation 74G of the War Service Homes Regulations is amended by omitting the words "under sub-section (3.)" and inserting in their stead the words "under sub-section (5.)". Initiation of court proceedings.
5. Regulation 74H of the War Service Homes Regulations is amended by omitting the words "under sub-section (3.)" and inserting in their stead the words "under sub-section (5.)". Form of warrant.
6. After regulation 74J of the War Service Homes Regulations the following regulation is inserted:—

"75. A notice to be published under sub-section (2.) of section 30B of the Act shall be in accordance with Form E."

Form of notice.

* Notified in the *Commonwealth Gazette* on 1972.
† Statutory Rules 1936, No. 74 as amended by Statutory Rules 1945, No. 202; 1946, No. 66; 1947, No. 93; 1949, Nos. 13 and 29; 1951, No. 16; 1956, No. 17; 1957, Nos 18 and 54; 1962, No. 42; 1964, No. 55; and 1969, No. 164.

War Service Homes Regulations

7. The Schedule to the War Service Homes Regulations is amended by omitting from Form C the words "under sub-section (3.)" and inserting in their stead the words "under sub-section (5.)",

The Schedule—
Form C.

8. The Schedule to the War Service Homes Regulations is amended by omitting Form D and inserting in its stead the following forms:---

The Schedule—
Form D.

FORM D

Regulation 74H.

In the Court
at
in

War Service Homes Act 1918-19

WARRANT TO ENTER AND GIVE POSSESSION TO THE DIRECTOR OF WAR SERVICE HOMES

Whereas

(hereinafter called the tenant) was, by virtue of sub-section (1.) of section 30A of the War Service Homes Act 1918-19, to be deemed to be the tenant of the Director of War Service Homes of the dwelling-house and land situated at

* And whereas the said Director has determined the tenancy under section 30A of the said Act:

*Strike out
if inapplicable.

* And whereas the tenancy has been determined under section 30A of the said Act by the death of the tenant and there is no new tenant under that section:

And whereas possession of the said dwelling-house and land has not been delivered up to the said Director:

And whereas the said Director has this day made application to the Court, a court of summary jurisdiction, at before me a Magistrate for the issue of a warrant directed to such person as the Court thinks fit requiring him, within a period to be specified in the warrant, to enter (if need be by force) into the said dwelling-house and land and to give possession of the said dwelling-house and land to the said Director:

And whereas the above recited grounds for the said application have been duly proved to the satisfaction of the said Court:

Now therefore this Court of summary jurisdiction, in pursuance of the powers conferred by section 30A of the said Act, hereby authorizes and commands you on any day (except on Sunday) between the hours of nine o'clock in the morning and four o'clock in the afternoon within a period of days next after the date of this warrant to enter (if need be by force) into the said dwelling-house and land and to give possession of the said dwelling-house and land to the said Director, and for so doing this shall be your warrant.

Given under my hand this day of , 19

To of Magistrate

FORM E

Regulation 75.

War Service Homes Act 1918-19

NOTICE OF REMOVAL AND STORAGE OF GOODS

Take notice that the Director of War Service Homes in pursuance of the powers conferred upon him by section 30B of the War Service Homes Act 1918-19 has caused certain goods found in the dwelling-house or on the land that is owned [or is being purchased] by and is situated at to be removed and stored at

* And take notice that, after the expiration of the period prescribed by sub-section (4.) of that section, the said Director is empowered to cause the said goods to be sold by public auction or otherwise disposed of or to be destroyed.

*To be
inserted
upon the
first
publication
of the notice.

War Service Homes Regulations

3

† And take notice that, on or after the ‡ day of 19 , the said Director is empowered to cause the said goods to be sold by public auction or otherwise disposed of or to be destroyed.

And take notice that the said Director will, at any time before the said goods are so sold, disposed of or destroyed, deliver the goods to any person who satisfies the Director that he is entitled to possession of the goods and pays to the Director an amount fixed by the Director, being an amount not greater than the amount of the expenses incurred by the Director in relation to the goods.

Dated this day of , 19 .

Director of War Service Homes

† To be inserted upon the second publication of the notice.

‡ Insert the date of the day immediately following the expiration of three months after the second publication of the notice.