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1978, No. 12

An Act to establish the Housing Corporation of the Cook Islands and to define its functions, powers and duties

(27 December 1978)

BE IT ENACTED by the Legislative Assembly of the Cook Islands in

Price 10.00

Session assembled, and by the authority of the same, as follows:

1. Short Title - This Act may be cited as the Housing Corporation of the Cook Islands Act 1978.

2. Interpretation - In this Act, unless the context otherwise requires -

"Corporation" means the Housing Corporation of the Cook Islands established under this Act:

"Housing purpose" means any purpose specified in section 17 of this Act:

"Minister" means the Minister responsible for Housing.

PART I

HOUSING CORPORATION OF THE COOK ISLANDS

3. Establishment of Corporation - (1) There is hereby established the Housing Corporation of the Cook Islands.

(2) The Corporation shall consist of not less than 5 nor more than 7 members who shall on the recommendation of the Minister be appointed by the High Commissioner.

(3) The Minister shall appoint one of the members to be Chairman of the Corporation and one to be Vice-Chairman.

(4) The Corporation shall be a body corporate with perpetual succession and a common seal and shall be capable of acquiring holding and disposing of real and personal property, of suing and being sued and of doing and suffering all such acts and things as bodies corporate may lawfully do and suffer.

(5) The powers of the Corporation shall not be affected by any vacancy in its membership.

(6) No person shall be deemed to be employed in the service of Her Majesty for the purpose of the Public Service Act 1975 by reason of his being a member of the Corporation.

4. Term of office of members - (1) Every member of the Corporation shall hold office for a term of one year but may from time to time be re-appointed.

(2) Notwithstanding anything in this Act every member whose office is terminated by effluxion of time shall continue to hold office until his successor comes into office.

5. Extraordinary vacancies - (1) Any member of the Corporation may resign his office at any time by written notice given to the High Commissioner.

(2) Any member may at any time be removed from office by the High Commissioner for disability, bankruptcy, neglect of duty, or misconduct proved to the satisfaction of the Minister.

(3) If any member dies or resigns his office by written notice given to the High Commissioner or is removed from office the vacancy shall be deemed to be an extraordinary vacancy.

(4) In the case of an extraordinary vacancy, the Minister may appoint any person to fill the vacancy.

(5) Any member appointed to fill an extraordinary vacancy shall hold office only for the unexpired portion of the term of office of his predecessor.

6. Deputies of members - (1) In any case in which the Minister is satisfied that the Chairman or any other member of the Corporation is incapacitated by illness, absence or other sufficient cause from performing the duties of his office, the Minister may appoint a deputy to act for the Chairman or other member during his incapacity. In the case of the Chairman the deputy may or may not be one of the other members; and if the deputy of the Chairman is one of the other members some other person may be appointed by the Minister to act as the deputy of that member.

(2) Any deputy appointed under this section shall while he acts as such be deemed to be a member of the Corporation and the deputy Chairman shall have all the powers of the Chairman.

(3) No appointment of a deputy and no acts done by him as such and no acts done by the Corporation while any deputy is acting as such shall be questioned in any proceedings on the ground that the reason for his appointment had not arisen or had ceased to exist.

7. Meetings of members - (1) The first meeting of the members of the Corporation shall be held on a day to be appointed by the Chairman.

(2) Subsequent meetings shall be held at such times and places as the members or the Chairman may from time to time appoint. The members shall meet at least once a month.

(3) The Chairman of any three members may at any time call a special meeting of the members.

(4) At all meetings five members shall form a quorum.

(5) The Chairman shall preside at all meetings at which he is present. In the absence of the Chairman from any meeting and any person appointed pursuant to section 6 of this Act to act for the Chairman the Vice-Chairman shall be Chairman of that meeting. In the absence of the Chairman, any person acting for the Chairman pursuant to section 6 of this Act, and the Vice-Chairman, the members present shall appoint one of their number to be Chairman of that meeting.

(6) At any meeting the Chairman shall have a deliberative vote and in the case of an equality of votes shall also have a casting vote.

(7) All questions arising at any meeting shall be decided by a majority of the valid votes of members recorded thereon.

(8) The Minister shall have the right to attend any meeting of members.

(9) Subject to the provisions of this Act and of any regulations made thereunder the members may regulate their procedure in such a manner as they think fit.

8. Disqualification of members - (1) A member of the Corporation shall not vote or take part in the discussion of any matter before the Corporation or before any committee thereof in which he has directly or indirectly a pecuniary interest apart from any interest in common with the public provided that nothing in this section shall apply to any contract of insurance insuring members against personal accident.

(2) Any member who knowingly offends against this section shall be guilty of misconduct and a breach of this Act.

9. Remuneration and travelling allowances of members - The members of the Corporation shall be paid out of the funds of the Corporation such remuneration and travelling allowance as shall be fixed from time to time by order in Executive Council.

10. Officers and employees - (1) The Corporation shall appoint a General Manager who shall be the chief executive officer of the Corporation.

(2) The Corporation shall appoint a Secretary who shall be responsible for the safe custody of the common seal of the Corporation and, subject to the control of the General Manager, shall be responsible for the proper servicing of the Corporation, including all meetings of the members. The Secretary shall have such other functions and duties as shall be determined by the Corporation.

(3) The Corporation may from time to time appoint such other officers and employees including acting or temporary or casual officers and employees as it thinks necessary for the efficient exercise of its functions and powers.

(4) Any person in the service of the Crown may be appointed to be an officer or employee of the Corporation but no such person shall be entitled to hold office concurrently as an officer or employee of the Corporation and as a servant of the Crown except -

- (a) In the case of a person subject to the Public Service Act 1975 with the consent of the Public Service Commissioner; and
- (b) In any other case with the consent of the Minister of the Crown to whose control he is subject.

(5) Subject to the provisions of this Act, the Corporation may pay to its officers and employees such salaries and allowances as it thinks fit and may at any time remove any officer or employee from his office or employment.

11. Liability of members and officers - No member or officer of the Corporation shall be personally liable for any act or default done or omitted to be done in good faith under the provisions of this Act and any sums of money, damages or costs which may be recovered against them or any one of them in respect of any such act or default shall be paid out of funds of the Corporation.

12. Appointment of Committee and delegation - (1) The Corporation may from time to time appoint a Committee or Committees consisting of two or more persons being members or officers of the Corporation and may from time to time delegate to any such Committee such of the powers or functions of the Corporation including the power of delegation conferred by this section as it may think fit:

Provided that in no case shall any power -

- (i) to acquire land or buildings; or
- (ii) to sell land or buildings vested in the Corporation; or
- (iii) to make advances

be delegated to such a Committee.

(2) The Corporation may from time to time delegate any of its powers to any member, officer or employee of the Corporation including the power of delegation conferred by this section.

(3) Subject to any general or special directions given or conditions imposed by the Corporation or Committee or person to whom any powers are delegated as aforesaid the Committee or person to whom any powers are so delegated may exercise these powers in the same manner and with the same effect as if they had been conferred directly by this Act and not by delegation.

(4) Every Committee or 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.

(5) Any delegation under this section may be made to a specified person or to persons of the specified class or may be made to the holder for the time being of a specified office or appointment or to the holders of offices or appointments of a special class.

(6) Any delegation under this section may be revoked at any time.

(7) The delegation of any power by the Corporation or by any Committee or person shall not prevent the exercise of that power by the Corporation or as the case may require by that Committee or person.

PART II

FUNCTIONS AND POWERS OF CORPORATION

13. Functions of Corporation - (1) The general functions of the Corporation shall be -

- (a) To provide dwellings and improved housing and improved living conditions in the Cook Islands; and
- (b) To undertake housing and other urban development and renewal, both on its own account and on behalf of Government Departments, and other persons or bodies; and
- (c) To give assistance to any persons in respect of any matters relating to housing and other urban development and renewal.

(2) Without limiting the generality of subsection (1) of this section the Corporation shall have the following functions -

- (a) With the prior approval of the Minister to acquire by lease or sub-lease any land or buildings and to develop the same as a building estate by the erection, construction, alteration, maintenance and improvement of dwelling-houses or flats, and gardens, recreation parks and other works and buildings for or for the convenience of persons occupying such dwelling-houses or flats:
- (b) To sell, lease and otherwise dispose of land in the course of housing and other urban development, improvements and renewal:
- (c) To make loans for any purposes that are for the time being approved in writing by the Minister:
- (d) To make loans for any other purposes that are authorised by this Act or by any other enactments.

(3) The Corporation shall also have such other functions as are conferred on it by this Act or by any other enactment.

14. Powers of the Corporation - (1) The Corporation shall have all the powers that are reasonably necessary or expedient to enable it to carry out its functions.

(2) Without limiting the generality of subsection (1) of this section, the Corporation shall have the following specific powers:

- (a) To accept gifts of leases or subleases of any land, money or other property;
- (b) To subdivide and develop any land acquired by or vested in it;
- (c) To acquire any dwelling-houses or flats suitable for the purposes of this Act;
- (d) To let or lease any land or building vested in it, including the leasing of any such land for the purpose of the erection of any factory, shop, workshop, or place of worship or recreation the erection of which would in the opinion of the

Corporation be to the convenience or benefit of persons occupying houses vested in the Corporation, and to accept surrender of any lease;

- (e) Subject to the provisions of any enactment applicable to the Corporation, to fix, regulate or make such charges as it determines from time to time for the use of any dwelling-house, flat building or other facility provided, maintained, controlled or operated by the Corporation;
- (f) With the prior approval of the Minister to sell or exchange any interest in land other than the fee simple or buildings vested in it;
- (g) With the prior approval of the Minister invest in any securities authorised by law for the time being for the investment of trust funds any moneys (whether capital or income) at any time at the disposal of the Corporation and not immediately required by the Corporation for the purchase of property or for the construction of buildings or making of advances or for other purposes authorised by this Act;
- (h) To make advances from time to time in accordance with the provisions of this Act;
- (i) To negotiate and enter into arrangements with and between private landowners and householders, and assist by advice and otherwise the development of private housing conditions;
- (j) To purchase plant, vehicles, machinery, equipment, stores and building materials and accessories of any kind;
- (k) To contract for the execution or provision by any person of any work or services authorised by this or any other enactment to be executed or provided by the Corporation in such manner and subject to such terms and conditions as the Corporation thinks fit.

15. Outer islands agency - In the performance of the functions and powers of the Corporation in any island other than Rarotonga the Island Council of that island shall act as the agent of the Corporation. Such agency shall at all times be construed as being subject to the control of the Corporation as principal.

16. Borrowing powers - The Corporation may from time to time, with the consent of the Minister, and subject to such terms and conditions as he thinks fit, borrow money and issue debentures, or mortgage or charge any of its property or give such other security as the lender may require for the purpose of meeting any of its obligations or discharging any of its functions under this Act.

17. Advances - Advances may be made from time to time to any Cook Islander or permanent resident of the Cook Islands (as defined in the Entry, Residence & Departure Act 1972) residing permanently or intending to reside permanently in the Cook Islands for the following purposes -

- (a) The erection, repair, alteration or improvement of any dwelling and of all necessary outbuildings and appurtenances attached thereto;
- (b) The repair, alteration, improvement or installation in or in respect of any dwelling of a system of lighting, sanitation, water supply, or other conveniences;
- (c) The purchase of any land or interest in land as a site for any dwelling;
- (d) The purchase of any house or building to be used as a dwelling;
- (e) The draining, cultivation, development or general improvement of the land appurtenant to any dwelling or intended to be used as a site for any dwelling.

18. Rates of interest - The rates of interest to be charged upon any advances shall be fixed from time to time by the Corporation with the prior approval in writing of the Minister.

19. Participation of Corporation in undertaking - The Corporation may with the approval in writing of the Minister participate in any undertaking with any person, firm, company or local authority for the provision of housing and in connection with such a scheme may -

- (i) make advances from the funds of the Corporation to any such person, firm, company or local authority upon such terms as to repayment of principal and interest and subject to such conditions as it may deem expedient;
- (ii) give, sell, lease or exchange any interest in land other than the fee simple vested in the Corporation to any such person, firm, company or local authority;
- (iii) employ its funds and resources for the purpose of such an undertaking in such manner as it may think fit.

20. Corporation to implement policy of Government - (1) The Corporation shall give effect to the policy of the Government in relation to its functions and powers as directed by the Minister in writing from time to time.

(2) A copy of every communication given by the Minister in any financial year to the Corporation under subsection (1) of this section shall be included in the annual report of the Corporation for that year laid before the Legislative Assembly under subsection (3) of section 28 of this Act.

21. Vesting of property in Corporation - (1) Her Majesty the Queen is hereby empowered to grant, transfer, assign or lease to the Corporation or in the name of the Corporation any land or interest in land (other than the fee simple in any land and land comprised in a public reserve) and any personal property, rights or privileges, vested in or held on behalf of the Crown and used or administered or to be used or administered for the purpose of or in connection with any housing or industrial projects or town planning schemes subject to any leases, rights, easements and interests subsisting in respect of the land or property at the date of the grant, transfer or assignment.

(2) Any lease by the Crown pursuant to subsection (1) of this section may be for such term and provide for such rent and other conditions as the Corporation with the prior written approval of the Minister shall accept or approve.

22. Corporation may refer matters for investigations - The Corporation may from time to time appoint one or more of its members or any other qualified person to investigate and report to the Corporation on such matters as are referred to him or them by the Corporation for the purposes of the proper exercise of its powers or functions under this Act.

PART III

FINANCIAL PROVISIONS

23. Appropriation by Legislative Assembly - (1) There shall be paid to the Corporation such sums of money as may be appropriated by the Legislative Assembly from time to time for the purposes of the Corporation whether by vote or item within a vote.

(2) Where in any Appropriation Act or in any estimates of expenditure and revenue accompanying any Appropriation Act for any year any vote or item to which this section applies is noted as being for a specified purpose, it shall not be competent for the Corporation to use the moneys so appropriated for any purpose other than that specified in the said Act or estimate save only that the moneys may be placed on interest bearing deposit with a bank pending the time when they will be required.

(3) Where any appropriation is made for the purposes of the Corporation, the Minister may direct the manner in which the moneys appropriated shall be paid to the Corporation and may require that any such appropriation be used first in payment of any debt due to the Public Account or to any account within the Public Account.

24. Housing Corporation Account - (1) The Corporation shall keep such bank account or bank accounts as may be determined by the Corporation from time to time with the approval of the Minister.

(2) The Corporation shall from time to time by resolution authorise any person or persons to operate its accounts and may from time to time by resolution fix the maximum amount that may be drawn by such person or persons at any one time.

(3) No money shall be withdrawn from any bank account except by cheque or other instrument (not being a promissory note or bill).

25. Preparation of estimates - (1) The Corporation shall prepare and submit to the Minister for approval by the Minister annual estimates of receipts and expenditure, in such form as the Minister directs, covering the operations of the Corporation in the exercise of its powers and functions.

(2) The estimates may provide for finance by way of loan, the terms and conditions of which shall be subject to the approval of the Minister.

26. Authorisation of expenditure - (1) The Corporation shall be responsible for the authorisation of expenditure by the Corporation in the exercise of any of the functions and powers of the Corporation pursuant to this Act.

(2) In the case of any funds appropriated to the Corporation by the Legislative Assembly the Corporation may authorise expenditure in accordance with the estimates approved by Cabinet and as between items of expenditure in those estimates may exercise a power of virement to an extent not exceeding 20% of the item to which funds are transferred.

(3) In the case of other funds of the Corporation not being appropriated by the Legislative Assembly the Corporation may authorise expenditure in accordance with the estimates approved by the Minister from time to time and as between items of expenditure in those estimates may exercise a power of virement to an extent not exceeding 10% of the item to which funds are transferred.

27. Periodic financial statements - (1) The Corporation shall prepare and submit to the Minister monthly financial statements on the activities of the Corporation in such form as the Minister may from time to time direct.

(2) Such monthly financial statements shall be submitted to the Minister within such time limit as may be directed by the Minister from time to time but in any event not later than one month after the month to which the statement applies.

(3) In addition to the monthly statements, the Corporation shall prepare and submit to the Minister quarterly statements on the financial activities of the Corporation, the work undertaken by the Corporation and the general business of the Corporation.

(4) Such quarterly statements shall be submitted to the Minister within such time limit as may be directed by the Minister from time to time but in any event not later than one month after the end of the quarter to which the statement applies.

(5) The Corporation shall meet with the Minister as soon as practicable after the submission of each quarterly statement to the Minister for the purpose of reviewing the activities, work and business of the Corporation.

28. Annual report and accounts - (1) The Corporation shall as soon as practicable after the end of each financial year, furnish to the Minister a report covering its activities for the year and including financial statements showing estimated and actual receipts and expenditure together with such commercial accounts as are appropriate to the nature of its financial operations.

(2) The financial statements required to be furnished to the Minister in accordance with subsection (1) from time to time by the Minister and shall be completed and available for examination in accordance with subsection (3) of this section not later than four months after the end of the financial year to which they relate.

- (g) If the Corporation is satisfied that the security for the advance is satisfactory and a first charge cannot be given a second charge on any interest in land as set forth in clauses (a), (b) and (c) of this subsection;

Provided that the Corporation may in its discretion make an advance not exceeding such sum as the Minister may from time to time in writing direct without any such security.

(2) For the purposes of determining whether an application for an advance should be granted, the Corporation shall not be bound to insist upon any fixed or definite margin of security.

31. Repayment of advances - All advances (including any reasonable charge for supervision which may be approved by the Corporation) with interest at the rate fixed under section 18 of this Act shall be a charge against the land in respect of which the advance is made, and shall be repayable at such time or times and in such manner as the Corporation from time to time determines, subject to any regulations made under this Act.

32. Securities to be taken in name of Corporation - Every security for an advance shall be taken in the name of the Corporation.

33. Assignment of money as security may be irrevocable - (1) The Corporation may require any order on or assignment of money given as security for the repayment of any advance to be expressed to be irrevocable, notwithstanding the death of the person giving the order or assignment, and the order or assignment shall be irrevocable accordingly except with the consent in writing of the Corporation.

(2) Notwithstanding anything in any enactment to the contrary, any company, corporate body, or person upon whom any notice of any such order or assignment has been served shall be bound to accept and to act upon the order or assignment and to pay to the person nominated in that behalf in the order of assignment all money from time to time payable thereunder.

34. Alienation and assignment as security for advance - (1) Notwithstanding anything in section 470 or section 471 or section 473 of the Cook Islands Act 1915, it shall be competent for any Native or descendant of a Native to alienate any Native freehold land or things growing on or attached to any such land or the rents and profits from any such land as security for any advance made by the Corporation for any housing purpose.

(2) Notwithstanding anything in the Property Law Act 1952 of the New Zealand Parliament, no power of sale shall be contained or implied in any charge given on any interest in land (not being a leasehold interest) to secure the repayment of any advance made by the Corporation for any housing purpose.

35. Assignments of money from land vested in trustees - (1) For the purpose of securing the repayment of any advance made by the Corporation for any housing purpose, it shall be competent for any Native or descendant of a Native to give an order on or an assignment of the proceeds of the alienation of any land (including compensation money for land taken) whether the land is vested in a trustee or not.

(2) Any such order or assignment shall be valid and enforceable for all purposes, notwithstanding the provisions of section 464 of the Cook Islands Act 1915 or of any other enactment.

(3) The Accounts and financial statements of the Corporation's activities shall be presented for examination in conjunction with the audit required pursuant to Article 71 of the Constitution and a copy of the annual report shall be laid before the Legislative Assembly as soon as practicable after the presentation to the Legislative Assembly of the annual report of the Audit Office.

29. Audit controls - (1) In addition to the audit of the financial accounts and statements of the Corporation by the Audit Office of New Zealand as required by section 28(3) of this Act the Minister may from time to time require an audit or investigation of the financial activities of the Corporation either generally or with regard to any specific function or activity of the Corporation.

(2) Such audit or investigation may be carried out by officers of the Treasury or such other person or persons as may be approved by the Minister.

(3) In the event of the Minister requiring such an audit or investigation the Corporation shall make available all the records, accounts and documents of the Corporation as are required for the purpose of the audit or investigation and permit access to its premises or places of business.

(4) The cost of any such audit or investigation shall be a charge against the revenue of the Corporation.

PART IV

SECURITY FOR ADVANCES

30. Security for Advances - (1) The Corporation may make advances for any housing purpose upon any of the following classes of security, namely -

- (a) A First charge on any freehold interest in Native freehold land or land owned by Natives or descendants of Natives;
- (b) A first charge on any leasehold interest in Native leasehold land or land owned by Natives or descendants of Natives;
- (c) A first charge on any interest in land under any vesting order made under Part II of the Cook Islands Amendment Act 1960;
- (d) A first charge on any interest in land under any occupation order;
- (e) An assignment of the proceeds of the alienation of Native freehold land or land owned by Natives or descendants of Natives;
- (f) An assignment or other disposition of any money payable or to become payable, whether on account of the sale of fruit or vegetables or other produce of land or otherwise howsoever;

36. Advances to be paid as Corporation directs - Every advance shall be expended or applied by the Corporation, or at its direction, for any one or more housing purposes for the benefit or on behalf of the applicant, and, unless the Corporation otherwise determines, shall not be paid direct to the applicant.

37. Charging order may be made - (1) Notwithstanding anything in section 470 of the Cook Islands Act 1915, where a charge on any interest in land has been given as security for the repayment of any advance, the Land Court, on proof to its satisfaction that the advance has been made, may make an order charging the land or any interest therein with repayment of the amount advanced with interest at the rate fixed under section 18 of this Act, and by such instalments and with such directions for giving effect to the charge as the Court thinks expedient.

(2) The certificate of the Corporation shall for all purposes be prima facie proof of the amount of the advance and of the rate of interest payable, and may be accepted by the Court accordingly.

(3) The Court may make a further order varying any former order in respect of any additional advance or by way of apportioning charges in such manner as it thinks expedient or for any other purpose it thinks fit, and every subsequent order shall supersede all prior charging orders so far as it is inconsistent therewith. Where any charge is apportioned, each portion shall be deemed to be a separate charge.

(4) Every order made under the provisions of this section shall be registered or recorded, as the case may require, in such manner as the Court directs.

38. Discharging of charging orders - The Land Court may at any time, on the application of the Corporation wholly or partially discharge any charging order made under section 37 of this Act, whether or not the money secured by the charge has been repaid.

39. Appointment of receiver to enforce charges - (1) When by section 37 of this Act any charging order has been made in respect of any land or any interest therein, or upon the revenues thereof or the proceeds of the alienation thereof, the Land Court may at any time and from time to time, for the purpose of enforcing that charge, appoint a receiver in respect of the property so charged.

(2) A receiver appointed under this section shall have all such rights, powers, duties and liabilities as may be expressly conferred or imposed on him by the Court and such other incidental powers as may be reasonably necessary for the exercise of the powers so conferred: Provided that a receiver appointed under this section shall not have power to sell any Native land, or to lease any such land otherwise than as provided in subsection (3) of this section.

(3) Notwithstanding any of the provisions of the Cook Islands Act 1915 as to the alienation of Native land, a receiver appointed under this section for the purpose of enforcing a charge may, in his own name and with the leave of exceeding twenty one years, on such conditions and for such rent or other consideration as he thinks fit.

PART V

GENERAL

40. Contracts of Corporation - (1) any contract which, if made between private persons must be by deed shall, if made by the Corporation, be in writing under the common seal of the Corporation.

(2) Any contract which, if made between private persons, must be in writing signed by the parties to be charged therewith shall, if made by the Corporation, be either under the common seal of the Corporation or signed on behalf of the Corporation by the Chairman of the Corporation or by any member of the Corporation authorised in that behalf by the Chairman.

(3) Any contract which, if made between private persons, may be made orally may be similarly made by or on behalf of the Corporation by any person acting under its authority, expressed or implied.

41. Execution of documents - (1) Every document to which the common seal of the Corporation is affixed shall be signed by the Chairman of the Corporation and shall be counter-signed by another member of the Corporation.

(2) Any document which, if executed by a private person, would not require to be executed as a deed may be signed on behalf of the Corporation by the Chairman or by any member of the Corporation authorised in that behalf by the Chairman.

42. Evidence of documents - Every document purporting to be a document executed by or on behalf of the Corporation in a manner provided in section 40 of this Act shall be received in evidence and be deemed to be so executed in the absence of proof to the contrary.

43. Penalty for misapplication of loan - Any person who knowingly applies any loan or part thereof made to him under the provisions of this Act to any purpose other than that authorised by the Corporation shall be guilty of an offence and on conviction shall be liable to a fine not exceeding \$500 or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

44. False statements - Any applicant for assistance from the Corporation by way of loan or otherwise who wilfully fails to disclose any material information within his knowledge, or who wilfully makes any statement which he knows to be false or does not believe to be true shall be guilty of an offence and on conviction shall be liable to a fine not exceeding \$200 or to imprisonment for a term not exceeding six months, or to both such fine or imprisonment.

45. Breach of Act or Regulations - Every person who commits or attempts to commit or is concerned in committing or attempting to commit a breach of violation of the provisions of this Act or of any regulations made under this Act for which no special penalty is provided is liable for every offence to a fine not exceeding \$200.

46. Regulations - (1) The High Commissioner may from time to time by Order in Executive Council, after consideration of any recommendations thereon made to him by the Corporation, make all such regulations as may, in his opinion, be deemed necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof.

(2) Without limiting the general power hereinbefore conferred it is hereby declared that regulations may be made under this section relating to the following sections -

- (a) Fixing and from time to time varying the number of persons who may occupy any dwelling-house or flat which is let by the Corporation:
- (b) The use of the dwelling-houses and flats let by the Corporation with a view to the prevention of nuisances and sanitary defects:
- (c) The inspection of buildings and land vested in the Corporation:
- (d) Prescribing the forms of mortgages, charges, leases and other instruments:
- (e) Prescribing offences against the regulations and fixing penalties.

(3) All regulations made under this section shall be laid before the Legislative Assembly within twenty eight days after the date of the making thereof if the Legislative Assembly is then in session and, if not, shall be laid before the Legislative Assembly within twenty eight days after the commencement of the next ensuing session.

47. Corporation to succeed Housing Authority - (1) The Housing Corporation of the Cook Islands shall be the successor to the Housing Authority established under the Housing Act 1969.

(2) On the commencement of this Act -

- (a) Every director of the Housing Authority shall retire from office; and
- (b) All real and personal property that immediately before the commencement of this Act was vested in the Housing Authority shall, without conveyance, transfer, or assignment, vest in the Housing Corporation of the Cook Islands subject to all liabilities, charges, obligations, and trusts affecting the property; and
- (c) All the contracts, debts, and liabilities of the Housing Authority immediately before the commencement of this Act (including every guarantee and indemnity continuing to have effect) shall become the contracts, debts and liabilities of the Housing Corporation of the Cook Islands.

(3) The Registrar of the Land Court shall on written application by the Housing Corporation of the Cook Islands substitute upon any documents of estate or interest or upon any register for the name of the Housing Authority the name of the Housing Corporation of the Cook Islands.

(4) In the financial year ending with the 31st day of March 1979 the Housing Corporation of the Cook Islands shall be deemed to be the same body corporate for the purposes of section 28 of this Act so that one set of accounts and one annual report may be prepared, delivered to the Minister and laid before the Legislative Assembly for that financial year.

48. Repeal - The Housing Act 1969 is hereby repealed.

This Act is administered by the Housing Corporation of the Cook Islands.