

Sale of Land Act

apply to an allotment a determination as to the amount to be apportioned to each such allotment or parcel.

(3) Where the mortgage moneys have been apportioned to the respective allotments or parcels pursuant to this section the mortgagee shall on tender of—

(a) the amount apportioned to any particular allotment or parcel; or

(b) a registrable instrument of mortgage to secure payment of all moneys apportioned to that allotment or parcel—

execute and deliver to the mortgagor a discharge of the first mentioned mortgage in so far as it relates to that allotment or parcel.

(4) A mortgage tendered under this section shall contain all such powers in favour of the mortgagee and all such covenants on the part of the mortgagor as are usual in mortgages and shall fully accord with and provide for the observance of all obligations of the mortgagor pursuant to the mortgage to be discharged and shall be prepared and registered at the cost of the mortgagor.

(5) Any question as to the sufficiency of any instrument of mortgage tendered pursuant to this section shall in the absence of agreement between the parties be determined by an arbitrator.

9. (1) Where a notice of intention to subdivide land into allotments in the form of the Thirtieth Schedule to the *Local Government Act 1958* has been given (whether before or after the commencement of this Act) or where in respect of any land such a notice is required to be given no person shall sell any such allotment unless the land is under the operation of the *Transfer of Land Act 1958* and the allotment is an allotment on a plan of subdivision approved by the Registrar pursuant to section ninety-seven of that Act.

(2) Any agreement for sale entered into in contravention of the last preceding sub-section shall be absolutely void and of no effect and any person who has paid any money under such agreement shall be entitled to recover the same.

(3) The Registrar may accept a statutory declaration made by the person giving or required to give notice of intention as aforesaid or by some other competent person as conclusive evidence that there has been no contravention of the provisions of this section.

(4) This section shall not apply—

(a) to the sale of an allotment on any plan lodged with the Registrar before the coming into operation of this section; and

(b) to

→ THREE OR MORE
Sale of subdivided land to be prohibited before plan approved by Registrar.
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