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CHAPTER 188

NATIONAL HOUSING CORPORATION

Act 37 of 1985
Act 25 of 1989

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NATIONAL HOUSING CORPORATION

To establish a national housing authority.

1. Interpretation

In this Act, unless the context otherwise requires –

"Corporation" means the National Housing Corporation established by this Act;

"houses" includes any parts of a building which are occupied or intended to be occupied as separate dwellings;

"Minister" means the Minister responsible for housing;

"public authorities" means the Local Government Councils, the municipalities of Port Vila and Luganville, the Vila and Luganville Urban Land Corporations and the Santo Land Council.

2. Establishment of the National Housing Corporation

(1) There is hereby established a body corporate to be known as the National Housing Corporation.

(2) The Corporation shall have perpetual succession and a common seal and may sue and be sued in its corporate name.

(3) The Corporation shall consist of no fewer than five members nor more than seven members appointed by the Minister.

(4) Of the members at least three shall be appointed from amongst persons who have special qualifications in, and had experience of, matters relating to engineering, architecture, accountancy, finance, law, economics or business management.

(5) The Minister shall appoint a Chairman and a Deputy Chairman from among the members of the Corporation.

(6) A member of the Corporation (including the Chairman and Deputy Chairman) shall hold office for a term not exceeding 3 years and shall be eligible for re-appointment.

(7) A member of the Corporation may at any time resign his office by notice in writing addressed to the Chairman who shall forthwith cause it to be forwarded to the Minister.

(8) The Minister may remove a member from office at any time by notice published in the Gazette.

(9) The Corporation may make rules governing its own procedure.

3. Policy

The Corporation shall be responsible for the execution of the policy of the Government in relation to housing. In the exercise of its functions, powers and duties the Corporation shall be subject to the directions given to it by the Minister.

4. Functions of the Corporation

(1) The functions of the Corporation shall be to provide houses and ancillary buildings for sale or for leasing in accordance with programmes approved by the Minister.

(2) In selling or leasing the houses and ancillary buildings, the Corporation shall act in accordance with the directions of the Minister regarding the categories of persons to whom such houses and ancillary buildings are to be sold or leased, the price or rent thereof, as the case may be, and the conditions if any, to be imposed on such sales

or leases. The Minister may direct the Corporation to impose as a condition of the sale of its houses, a right of pre-emption in its favour in the event of a resale of the houses by the purchasers.

(3) In exercising its functions, the Corporation shall endeavour so far as is practicable with the need to provide housing at a minimum cost to purchasers to balance its income and expenditure taking 1 year with another. It shall not be an object of the Corporation to make a profit.

(4) In exercising its functions, the Corporation shall endeavour so far as is practicable with the need to provide a balanced housing scheme between the rural and urban sectors.

5. Powers of the Corporation

In the exercise of its functions, the Corporation shall have the following powers –

(a) hold, buy, sell, lease and manage movable or immovable property;

(b) provide and maintain facilities associated with housing including open spaces, recreational facilities and commercial spaces;

(c) subject to section 18, borrow money by the issue of promissory notes, bonds, debentures or in any other manner including overdraft;

(d) carry out building and engineering works, install services in and effect improvements to or in respect of land;

(e) purchase plant, vehicles, machinery, equipment, stores and building materials and accessories of any kind;

(f) employ contractors, consultants or agents;

(g) participate with public authorities in housing projects;

(h) invest funds not immediately required for the purpose of its functions in bank deposits or in such other investments as may be authorised by the Minister responsible for finance;

(i) make charges for services and facilities provided by it;

(j) such other powers as may be incidental to the abovementioned powers or necessary to enable the Corporation to carry out its functions.

6. General Manager and officers of the Corporation

(1) The Corporation shall, with the prior approval of the Minister and subject to subsection (2), appoint and employ a General Manager of the Corporation, on such terms and conditions as it may from time to time determine.

(2) The General Manager shall be appointed for a term not exceeding five years and may with the prior approval of the Minister be eligible for re-appointment.

(3) The Corporation may appoint and employ a secretary to the Corporation and such other officers and servants of the Corporation, on such terms and conditions as it may from time to time determine, being officers and servants that it may consider necessary for the proper and efficient carrying out of the functions of the Corporation.

7. Delegation of powers and functions to General Manager

(1) The Corporation may, by resolution or otherwise, delegate to the General Manager of the Corporation with or without restrictions or conditions, as the Corporation thinks fit, such of its powers and functions as it deems expedient for the efficient discharge of the day-to-day operations of the Corporation.

(2) Nothing in subsection (1) shall permit the delegation of the power to make major decisions of policy in connection with the exercise of the functions of the Corporation.

8. Remuneration of members

The Corporation may pay such remuneration as may be approved by the Minister to the members of the Corporation.

9. Members to declare a pecuniary interest

If a member of the Corporation has a pecuniary interest, direct or indirect, in any matter relating to the Corporation he shall as soon as practicable disclose such interest to the Chairman or Deputy Chairman and shall take no part in any discussion on any such matter nor vote thereon.

10. General Manager to the Corporation

(1) The General Manager shall be the chief administrative officer of the Corporation and of all its operations and shall carry out such other duties as the Corporation or its Chairman shall direct.

(2) The General Manager or a person acting in that office shall attend all meetings of the Corporation.

11. Secretary to the Corporation

(1) There shall be a Secretary to the Corporation who shall attend all meetings of the Corporation and prepare the minutes thereof.

(2) The Secretary shall –

(a) keep in safe custody the seal and all documents of the Corporation;

(b) receive all process served on the Corporation and carry out such other duties as the General Manager shall direct.

12. Meetings of the Corporation

(1) Meetings of the Corporation shall be held at such times and places as the Chairman or in his absence, the Deputy Chairman, may from time to time appoint.

(2) The first meeting shall be convened by the Minister.

(3) The quorum at meetings shall be three members.

(4) The Chairman or in his absence the Deputy Chairman, shall preside at every meeting of the Corporation.

(5) The proceedings at any meeting shall not be invalidated by any vacancies in the membership provided that the number of vacancies does not exceed two.

(6) Decisions of the Corporation shall be made by a majority vote of members present at the meeting, the Chairman or Deputy Chairman as the case may be having a casting vote.

(7) Subject to such rules as the Minister may by Order make, the Corporation may make rules regulating the procedures and adjournment of meetings of the Corporation.

13. Funds of the Corporation

The funds of the Corporation shall consist of –

(a) monies borrowed by the Corporation;

(b) grants from the Government or from other sources;

(c) monies received by the Corporation in the course of the discharge of its functions.

14. Accounts and audit and annual report

(1) The Corporation shall keep proper accounts and other records in respect of its income and expenditure and shall cause to be prepared an annual statement of accounts in respect of each financial year.

(2) The accounts of the Corporation shall be audited by the Auditor General in accordance with the Expenditure Review and Audit Act [CAP. 241].

(3) Within 4 months of the end of each financial year the Corporation shall transmit to the Minister an annual report of its activities together with the audited accounts including the report of the Auditor General thereon.

(4) The Minister shall cause a copy of the annual report and audited accounts and audit report to be laid before Parliament.

15. Submission of estimates for purpose of grants

If the Corporation shall need a grant from the Government, the Corporation shall, not less than 90 days before the commencement of the financial year during which the grant is required, submit to the Minister estimates of expenditure and income for that year and of unexpended funds carried forward.

16. Contracts

A contract which if made between natural persons would by law be –

(a) required to be sealed, shall be made, varied or discharged by the Corporation under seal;

(b) required to be in writing signed by the parties, shall be made, varied or discharged on behalf of the Corporation in writing, signed by a person acting with its express or implied authority;

(c) valid if made by parol, may be made, varied or discharged by parol on behalf of the Corporation by any person acting with its express or implied authority.

17. Guarantee of loans

The Government may guarantee any loans made to the Corporation or any promissory notes or bonds issued thereby.

18. Control of borrowing

Borrowing by the Corporation shall be subject to the specific or general consent of the Minister responsible for finance who may prescribe –

(a) the aggregate maximum indebtedness that the Corporation may incur without his consent in writing;

(b) the maximum sums that the Corporation may borrow.

19. Security for borrowings

The repayment of any monies borrowed or loans raised by the Corporation and the payment of interest thereon may be secured by mortgage, or other charge upon the assets of the Corporation.

20. Regulations

The Minister may by Order make regulations for the purpose of carrying out the provisions of this Act.

21. Housing functions of local authorities

The powers and duties of public authorities in relation to the provision of housing for the public shall be subject to the direction, supervision and control of the Minister.

Table of Amendments

6 Substituted by Act 25 of 1989