

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

*House of Representatives,
14th March, 1938.*

Hon. Mr. Mason.

STATUTES AMENDMENT.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p style="text-align: center;"><i>Administration.</i></p> <p>2. Official Assignee entitled to commission when administering estates under Administration Act, 1908.</p> <p style="text-align: center;"><i>Agricultural Workers.</i></p> <p>3. Dairy-farm worker may agree to accept leave between milkings instead of half-holiday.</p> <p style="text-align: center;"><i>Coroners.</i></p> <p>4. Additional fees may be paid to persons performing duties under Coroners Act, 1908, in certain circumstances.</p> <p style="text-align: center;"><i>Crimes.</i></p> <p>5. Bench warrant may be issued when person committed for sentence does not appear.</p> <p>6. Section 5 of Crimes Amendment Act, 1910, amended.</p> <p style="text-align: center;"><i>Deaths by Accidents Compensation.</i></p> <p>7. Damages may be awarded for expected pecuniary loss, and for medical expenses.</p> <p style="text-align: center;"><i>Defence.</i></p> <p>8. Drill-sheds may be leased for periods up to twenty-one years with right of renewal.</p> | <p style="text-align: center;"><i>Destitute Persons.</i></p> <p>9. Husband may be allowed access to child during currency of guardianship order.</p> <p>10. Offence for husband to molest children in respect of whom guardianship order made.</p> <p style="text-align: center;"><i>Factories.</i></p> <p>11. Only previous employment in same or similar factory to be taken into account when determining apprentice's wages.</p> <p style="text-align: center;"><i>Government Accident Insurance.</i></p> <p>12. State Fire Insurance General Manager may undertake business of accident insurance in Samoa or Cook Islands.</p> <p style="text-align: center;"><i>Government Life Insurance.</i></p> <p>13. Certificates of title may be issued for lands held for purposes of Government Life Insurance Department.</p> <p style="text-align: center;"><i>Government Railways.</i></p> <p>14. Prevention of lights, &c., liable to be confused with railway signals.</p> |
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| <p style="text-align: center;"><i>Housing Survey.</i></p> <p>15. Duration of Housing Survey Act, 1935, extended. Repeals.</p> <p style="text-align: center;"><i>Kauri-gum Industry.</i></p> <p>16. Further restrictions as to gum-digging on certain lands.</p> <p style="text-align: center;"><i>Law Reform.</i></p> <p>17. Limitation of damages recoverable for benefit of estate of deceased person.</p> <p style="text-align: center;"><i>Local Bodies' Loans.</i></p> <p>18. Section 22 of Local Bodies' Loans Act, 1926, amended.</p> <p style="text-align: center;"><i>Mortgagors and Lessees Rehabilitation.</i></p> <p>19. This section and next four sections to form part of Mortgagors and Lessees Rehabilitation Act, 1936.</p> <p>20. Mortgagee affected by section 2 of Amendment Act may apply for adjustment of liabilities of guarantor in certain cases.</p> <p>21. Section 4 of Amendment Act modified.</p> <p>22. Section 6 of Amendment Act amended.</p> | <p>23. As to references in other Acts to Adjustment Commissions appointed under former Mortgagors Relief Acts.</p> <p style="text-align: center;"><i>Motor-vehicles.</i></p> <p>24. This section and next three sections to form part of Motor-vehicles Act, 1924.</p> <p>25. Agricultural tractors exempted from registration fees.</p> <p>26. Limitation of weight of motor-vehicles. Repeals.</p> <p>27. Permission to use extra heavy motor-vehicles.</p> <p style="text-align: center;"><i>Orchard and Garden Diseases.</i></p> <p>28. Extension of power to make regulations under Orchard and Garden Diseases Act, 1928.</p> <p style="text-align: center;"><i>Shops and Offices.</i></p> <p>29. Shops and Offices Act, 1921-22, not to apply to public accountants' offices except in certain respects.</p> <p style="text-align: center;"><i>State Fire Insurance.</i></p> <p>30. State Fire Insurance Office may undertake business of fire insurance in Samoa or Cook Islands.</p> |
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A BILL INTITULED

Title.

AN ACT to amend certain Acts of the General Assembly of New Zealand.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. This Act may be cited as the Statutes Amendment Act, 1937.

Administration.

2. Where under the provisions of Part IV of the 10 Administration Act, 1908, an estate is administered by the Official Assignee the provisions of section one hundred and seventy-one of the Bankruptcy Act, 1908, shall, with the necessary modifications, apply and be deemed to have always applied as if the proceedings had 15 been taken under the latter Act.

Official Assignee entitled to commission when administering estates under Administration Act, 1908.

See Reprint of Statutes, Vol. III, p. 147; Vol. I, p. 569

Agricultural Workers.

3. Any agricultural worker employed on a dairy-farm may agree with his employer to be allowed leave from work between milkings on one day in each week of his employment instead of being allowed a half-holiday as provided by section fifteen of the Agricultural Workers Act, 1936, and if such leave is allowed it shall be deemed to be equivalent to a half-holiday within the meaning of that section.

Dairy-farm worker may agree to accept leave between milkings instead of half-holiday. 1936, No. 30

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Coroners.

4. Fees additional to those for the time being prescribed under section two of the Coroners Amendment Act, 1920, may, with the approval of the Minister of Justice, be paid to any of the persons and in respect of any of the duties specified in subsection one of that section where, in the opinion of the Minister, exceptional circumstances render the payment of such additional fees desirable. Any such additional fees paid before the passing of this Act shall be deemed to have been lawfully paid.

Additional fees may be paid to persons performing duties under Coroners Act, 1908, in certain circumstances. See Reprint of Statutes, Vol. II, p. 42

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Crimes.

5. The provisions of section four hundred and twelve of the Crimes Act, 1908, shall, with the necessary modifications, apply where a person who has been committed to the Supreme Court for sentence, and who is then at large, does not appear at the time and place duly fixed for such sentence to be pronounced.

Bench warrant may be issued when person committed for sentence does not appear. Ibid., p. 314

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6. Section five of the Crimes Amendment Act, 1910, is hereby amended as follows:—

Section 5 of Crimes Amendment Act, 1910, amended. Ibid., p. 336

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(a) By repealing subsection one, and substituting the following subsection:—

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“(1) Every person sentenced by a Magistrate to a period of reformatory detention may apply *ex parte* to a Judge of the Supreme Court to review that sentence on the ground that the same is excessive or ought not to have been passed, and such Judge may either uphold or reverse the sentence or pass any other sentence warranted by law, whether more or less severe. Except with

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the leave of a Judge of the Supreme Court, no such application shall be made later than fourteen days after the date of the sentence by the Magistrate."

- (b) By omitting from subsection three the words "for review". 5

Deaths by Accidents Compensation.

Damages may be awarded for expected pecuniary loss, and for medical expenses.

See Reprint of Statutes, Vol. IV, p. 427

1936, No. 31

7. (1) In any action under the Deaths by Accidents Compensation Act, 1908, damages may be awarded in respect of the amount of actual pecuniary benefit which the person or persons for whose benefit the action is brought might reasonably have expected to enjoy if the deceased person had not been killed, notwithstanding that any such person or persons may not have been either wholly or partially dependent upon the deceased person prior to his death. 15

(2) Section six of the Law Reform Act, 1936, is hereby amended by inserting the words "medical and" before the words "funeral expenses".

(3) The foregoing provisions of this section shall apply whether the cause of action arose before or after the date of the passing of this Act, but shall not affect the rights of any person under any final judgment given by any Court before that date. 20

Defence.

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Drill-sheds may be leased for periods up to twenty-one years with right of renewal.

8. (1) Notwithstanding the provisions of any other Act, where any land is vested in His Majesty for drill-shed purposes the Governor-General may lease the whole or any part of the land, either by public tender or private contract, for any period not exceeding twenty-one years, with a right of renewal for a further period not exceeding twenty-one years, but not exceeding a total period of forty-two years, and upon such terms and conditions as the Governor-General thinks fit. 30

(2) The powers conferred by this section are in addition to and not in substitution for the powers conferred by section fifty-three of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1921-22, or by any other Act. 35

See Reprint of Statutes, Vol. II, p. 609

Destitute Persons.

9. The power conferred on a Magistrate by section
 eighteen of the Destitute Persons Act, 1910, to make an
 order of guardianship shall be deemed to include power
 5 to make such order as he thinks fit regarding the right
 of access to the child by the husband during the currency
 of the order of guardianship.
10. Section nineteen of the Destitute Persons Act,
 1910, is hereby amended by inserting after paragraph (c)
 10 the following:—
- “ or
 “(d) Molests his children in respect of whom an
 order of guardianship has been made by
 watching or besetting their place of business,
 15 employment, or residence, or by following
 or waylaying them in any road, street, or
 other public place.”

Husband may be allowed access to child during currency of guardianship order.

See Reprint of Statutes, Vol. II, p. 907

Offence for husband to molest children in respect of whom guardianship order made.

Factories.

11. Notwithstanding the provisions of subsection two
 20 of section twelve of the Factories Amendment Act, 1936,
 or of any other enactment, in determining the amount
 of wages to which an apprentice employed in any factory
 is entitled under the Factories Act, 1921-22, there shall
 be taken into account only the period or periods of his
 25 employment in that factory or in any other factory in
 which similar work was carried on at the time of his
 employment therein.

Only previous employment in same or similar factory to be taken into account when determining apprentice's wages.

1936, No. 7
 See Reprint of Statutes, Vol. III, p. 198

Government Accident Insurance.

12. (1) In addition to the powers conferred on him
 30 by the Government Accident Insurance Act, 1908, the
 State Fire Insurance General Manager may undertake
 in Samoa or in the Cook Islands the business of
 insurance or reinsurance that he is empowered by the
 said Act to undertake in New Zealand.
- 35 (2) The provisions of the said Act shall, with the
 necessary modifications, apply in respect of any business
 undertaken under the authority of this section.

State Fire Insurance General Manager may undertake business of accident insurance in Samoa or Cook Islands.

Ibid., Vol. IV, p. 10

Government Life Insurance.

Certificates of title may be issued for lands held for purposes of Government Life Insurance Department. See Reprint of Statutes, Vol. IV, p. 10

Ibid., Vol. VII, p. 1161

13. Section forty-two of the Government Life Insurance Act, 1908, is hereby amended by inserting, after paragraph (a), the following new paragraph:—

“(aa) The District Land Registrar for the Land Registration District in which is situated any land held by His Majesty the King under this Act shall, on the completion of such surveys (if any) as may be necessary, and on being requested in writing to do so by the Commissioner, issue a certificate of title or certificates of title under the Land Transfer Act, 1915, in the name of His Majesty in respect of such land, and is hereby directed to register under the provisions of that Act all registerable instruments issued under the authority of this Act upon presentation of such instruments for registration.”

Government Railways.

Prevention of lights, &c., liable to be confused with railway signals.

14. (1) Where any fire, light, or sign is burnt or exhibited in such a place or in such a manner as to be liable to be mistaken for or to obscure a railway signal, or to make it difficult for persons engaged in the operation of railway-trains to distinguish any railway signal, the Minister of Railways, or some person by his direction, may serve a notice on the owner of the place where the fire, light, or sign is burnt or exhibited, or on the person having charge of the fire, light, or sign, directing that owner or person within a reasonable time, to be specified in the notice, to take effectual means for extinguishing, removing, or screening the fire, light, or sign and for preventing for the future any similar fire, light, or sign.

(2) The notice may be served either personally or by delivery at the place of abode of the person to be served, or by affixing it in some conspicuous spot near the fire, light, or sign to which the notice relates.

(3) Every owner or person on which a notice is served under this section who fails without reasonable cause to comply with the directions contained in the notice is guilty of a common nuisance, and, in addition

to any other penalties or liabilities he may incur, is liable for each offence to a fine not exceeding *one hundred pounds*.

(4) If any owner or person on whom a notice under this section is served neglects for a period of *seven days* to extinguish, remove, or effectually screen the fire, light, or sign mentioned in the notice, the Minister may, by his servants or workmen, enter upon the place where the fire, light, or sign is and forthwith extinguish, remove, or screen it, doing no unnecessary damage; and may recover the expenses incurred in so doing from the owner or person on whom the notice has been served as a debt due to the Crown.

Housing Survey.

15 15. (1) The Housing Survey Act, 1935, in so far as it was in force on the thirty-first day of December, nineteen hundred and thirty-seven, is hereby revived as from that date, and shall continue in force until the thirty-first day of December, nineteen hundred and
20 thirty-eight, and shall then be deemed to be repealed.

Duration of
Housing Survey
Act, 1935,
extended.
1935, No. 40

(2) Section nine of the Housing Survey Act, 1935, and section thirty-four of the Statutes Amendment Act, 1936, are hereby repealed.

Repeals.
1935, No. 40
1936, No. 58

Kauri-gum Industry.

25 16. Section eleven of the Kauri-gum Industry Act, 1908, is hereby amended by adding the following:—

“; or upon

30 “(f) Any Crown land in respect of which a notice under the hand of the Minister has been published in the *Gazette* to the effect that development-works on that land have been or are to be undertaken by the Crown.”

Further
restrictions as
to gum-digging
on certain
lands.
See Reprint
of Statutes,
Vol. IV, p. 446

Law Reform.

35 17. (1) Where by virtue of Part I of the Law Reform Act, 1936, a cause of action survives for the benefit of the estate of a deceased person, the damages recoverable for the benefit of the estate of that person shall not include any damages for his pain or suffering, or for any bodily or mental harm suffered by him, or
40 for the curtailment of his expectation of life.

Limitation of
damages
recoverable for
benefit of
estate of
deceased
person.
1936, No. 31

(2) The foregoing provisions of this section shall apply whether the cause of action arose before or after the date of the passing of this Act, but shall not affect the rights of any person under any final judgment given by any Court before that date.

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Local Bodies' Loans.

Section 22 of Local Bodies' Loans Act, 1926, amended.

See Reprint of Statutes, Vol. V, p. 371

18. Section twenty-two of the Local Bodies' Loans Act, 1926, is hereby amended by omitting from subsection one the words "special order", and substituting the word "resolution".

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Mortgagors and Lessees Rehabilitation.

This section and next four sections to form part of Mortgagors and Lessees Rehabilitation Act, 1936.

1936, No. 33

Mortgagee affected by section 2 of Amendment Act may apply for adjustment of liabilities of guarantor in certain cases.

1937, No. 30

19. This section and the next four succeeding sections shall be read together with and deemed part of the Mortgagors and Lessees Rehabilitation Act, 1936 (hereinafter in those sections referred to as the principal Act).

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20. Where no application for the adjustment of the liabilities of any person liable as mentioned in section two of the Mortgagors and Lessees Rehabilitation Amendment Act, 1937 (hereinafter referred to as the guarantor), was filed within the time limited in that behalf under the principal Act, and no notice was served on him pursuant to subsection two of section fifty-four of that Act by the person to whom he was liable (hereinafter referred to as the mortgagee), and it appears to the Court that the mortgagee has been prejudicially affected by the passing of the said section two, the Court may, on application in that behalf made by the mortgagee within two months after the passing of this Act, make an order for the adjustment of the liabilities of the guarantor. Upon an order being made under this section the mortgagee shall be deemed to have filed within the time limited by section thirty of the principal Act an application under that section for an adjustment of the guarantor's liabilities, and the provisions of the principal Act shall apply accordingly.

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Section 4 of Amendment Act modified. 1937, No. 30

21. Nothing in section four of the Mortgagors and Lessees Rehabilitation Amendment Act, 1937, shall apply or be deemed to have at any time applied with respect to any liability of the applicant under a guarantee in

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respect of which no notice has been served on him pursuant to subsection two of section fifty-four of the principal Act.

22. Section six of the Mortgagors and Lessees Rehabilitation Amendment Act, 1937, is hereby amended, as from the passing thereof, as follows:—

Section 6 of Amendment Act amended. 1937, No. 30

(a) By inserting in subsection one, after the words “any property”, the words “or an order under paragraph (e) of subsection four of section forty-nine of that Act for the application of any property in or towards the satisfaction of any adjustable debt”:

(b) By adding to subsection one the words “or creditor, as the case may be”.

23. All references in any Act to an Adjustment Commission appointed under the Mortgagors Relief Amendment Act, 1931, or to an Adjustment Commission appointed under the Mortgagors and Tenants Relief Act, 1933, shall be deemed to be references to an Adjustment Commission appointed under the principal Act.

As to references in other Acts to Adjustment Commissions appointed under former Mortgagors Relief Acts. See Reprint of Statutes, Vol. VI, p. 24 1933, No. 34

Motor-vehicles.

24. This section and the next three succeeding sections shall be read together with and deemed part of the Motor-vehicles Act, 1924 (hereinafter in those sections referred to as the principal Act).

This section and next three sections to form part of Motor-vehicles Act, 1924.

25. (1) For the purposes of this section the term “agricultural tractor” means a tractor that is used exclusively for agricultural purposes and is not used on any road or street except when proceeding to or from a farm.

See Reprint of Statutes, Vol. VIII, p. 800

(2) No fee shall be payable in respect of the registration under the principal Act of any agricultural tractor or of any trailer that is drawn or propelled exclusively by an agricultural tractor.

Agricultural tractors exempted from registration fees.

26. (1) For the purposes of this section the term “multi-axled motor-vehicle” means a motor-vehicle specially designed or adapted so that the weight of the vehicle and its load is carried on three or more axles, and having not less than two wheels on each axle. Where two or more wheels of a motor-vehicle are substantially in the same line transversely and some or all of them have separate axles, the axles of all those wheels shall for the purposes of this section be deemed to be one axle.

Limitation of weight of motor-vehicles.

(2) Except in accordance with the permission of the Minister granted under the *next succeeding* section, it shall not be lawful to use on any road or street any motor-vehicle (not being a multi-axled motor-vehicle) if the weight of the vehicle together with its load (if any) exceeds ten tons. 5

(3) Except in accordance with the permission of the Minister granted under the *next succeeding* section, it shall not be lawful to use on any road or street any multi-axled motor-vehicle if the weight transmitted to the road or street surface by the wheel or wheels on any one axle of the vehicle exceeds six tons. 10

(4) If any motor-vehicle is used in contravention of this section both the owner and the driver thereof commit an offence. 15

Repeals.
See Reprint
of Statutes,
Vol. VII, p. 707

(5) This section is in substitution for sections one hundred and sixty-four and one hundred and sixty-five of the Public Works Act, 1928, and those sections are hereby accordingly repealed.

Permission to
use extra heavy
motor-vehicles.

27. (1) Notwithstanding anything to the contrary in the provisions of the *last preceding* section, the Minister may from time to time give written permission for the use on any road or street of any motor-vehicle the weight of which (laden or unladen) exceeds the maximum weight prescribed in that behalf by those provisions. 20 25

(2) The Minister, in his discretion, may refuse his permission under this section for the use of any motor-vehicle, or may grant his permission either unconditionally or upon or subject to such conditions as he thinks fit. Any permission may be granted for such period as the Minister thinks fit, and may be at any time varied or revoked by the Minister. 30

Orchard and Garden Diseases.

Extension of
power to make
regulations
under Orchard
and Garden
Diseases Act,
1928.

Ibid.,
Vol. I, p. 142

28. The power conferred on the Governor-General by sections twenty-two and twenty-three of the Orchard and Garden Diseases Act, 1928, to make regulations shall include and be deemed to have always included power to make regulations— 35

- (a) Authorizing an Inspector to enter any premises or place for the purpose of inspecting any fruit intended for sale; and 40
- (b) Imposing an inspection fee on all fruit intended for sale for consumption in New Zealand.

Shops and Offices.

29. (1) For the purposes of the Shops and Offices Act, 1921-22, the term " office " shall not be deemed to include any public accountant's office.

Shops and Offices Act, 1921-22, not to apply to public accountants' offices except in certain respects.

5 (2) Section twenty of the Shops and Offices Amendment Act, 1936, is hereby amended by inserting in subsection two, after the words " solicitor's office ", the words " any public accountant's office ".

See Reprint of Statutes, Vol. III, p. 240

10 *State Fire Insurance.*

30. (1) In addition to the powers conferred on it by the State Fire Insurance Act, 1908, the State Fire Insurance Office may undertake in respect of property situate in Samoa or in the Cook Islands the business of insurance or reinsurance that it is empowered by the said Act to undertake in New Zealand.

State Fire Insurance Office may undertake business of fire insurance in Samoa or Cook Islands.

15 (2) The provisions of the said Act shall, with the necessary modifications, apply in respect of any business undertaken under the authority of this section.

See Reprint of Statutes, Vol. IV, p. 37