

STATUTES AMENDMENT BILL

EXPLANATORY NOTES

Acts Interpretation.

Clause 2: Citation of regulations includes citation of amendments.—The purpose of this clause is to settle doubts that have arisen as to the effect of the substitution of new regulations to replace regulations that are referred to in existing enactments.

Coroners.

Clause 3: As to remuneration of medical officers attending at inquests.—Salaried medical officers attached to public institutions cannot be paid fees for attending at inquests where the death occurred in the institution. The purpose of the clause is to relax this rule where circumstances render such a course desirable.

Defence.

Clause 4: Extending time for commencing actions against members of Defence Forces.—This clause extends the period after the expiration of which actions against members of the Defence Forces can no longer be commenced from three months to six months.

Destitute Persons.

Clause 5: Provision may be made for charging-orders under Destitute Persons Act, 1910, to bind the Crown.—Under the Destitute Persons Act, 1910, a charging-order may be made against the property of a person against whom a maintenance order has been made. This provision does not bind the Crown, and cases have arisen where moneys in the Post Office Savings-bank for instance could not be charged although moneys in similar institutions could be charged. The clause makes provision for regulations to be made providing for the Crown to be bound by the appropriate provision of the Act.

Fire Brigades.

Clause 6: Altering date of elections and appointments of members of Fire Boards.—The purpose of this clause is to alter the date for the next elections and appointments of members of Fire Boards from the month of May, 1943, to the month of June, 1944, and to provide that subsequent elections and appointments shall take place in the same month in every third year thereafter. The objective aimed at by the clause is to avoid the holding of the elections and appointments next year, thus making a considerable saving in paper and time, and to bring Fire Boards into line with other local bodies whose members have a triennial period of office.

Friendly Societies.

Clause 7: Power to make loans against surrender value of policies.—At the present time Friendly Societies cannot make loans to members on the security of policies. This amendment will allow such loans to be made.

Harbours.

Clause 8: Payment of wages from Imprest Accounts.—The purpose of this clause is to remove the restriction in section 9 of the Harbours Amendment Act, 1925, under which the only wages payable from Imprest are casual wages. This amendment will bring Harbour Boards into line with County Councils and Borough Councils.

Industrial Efficiency.

Clause 9: This section and next *four* sections to form part of Industrial Efficiency Act, 1936.

Clause 10: Industrial Efficiency Appeal Authority.—This clause makes provision for the appointment of an Industrial Efficiency Appeal Authority to deal with appeals under the Industrial Efficiency Act, 1936, and provides that the Appeal Authority may not act in relation to any appeal affecting an industry in which he is financially interested.

Clause 11: Deputy of Appeal Authority.—This clause provides for the appointment of a deputy to act in the event of the temporary absence of the Appeal Authority.

Clause 12: Procedure of Appeal Authority.—The Appeal Authority is given the powers of a Commission of Inquiry. He may, subject to regulations made under the Industrial Efficiency Act, 1936, regulate the procedure on appeals to him as he thinks fit.

Clause 13: Appeal Authority to determine appeals from decisions of Bureau.—This clause transfers to the Appeal Authority the functions of the Minister of Industries and Commerce in relation to appeals under section 21 of the Industrial Efficiency Act, 1936. The subsection repealed is no longer necessary.

Infants.

Clause 14: This section and next *three* sections to form part of Infants Act, 1908.

Clause 15: When consent of infant to adoption may be dispensed with.—Section 18 of the Infants Act, 1908, requires that if a child is over twelve years of age he must consent to an adoption order. In certain circumstances it may, in the child's own interests, be undesirable to have to discuss the adoption proceedings with the child. This clause will authorize the Magistrate, if he thinks fit, to make an adoption order in such a case without obtaining the consent of the child.

Clause 16: Form of order of adoption of illegitimate child.—The purpose of this clause is to settle doubts which have been raised (in view of the wording of certain rules under the Infants Act, 1908), as to the validity of the practice of omitting the reference to legitimacy provided for in the form of adoption order used for some years past.

Clause 17: As to adoption of children by unmarried persons less than forty years older than child.—An unmarried person cannot adopt a child of the opposite sex unless the applicant is at least forty years older than the child. The purpose of this clause is to give the Judge hearing the application a discretion in the matter.

Iron and Steel Industry.

Clause 18: Authority to mine for iron-ore to be used otherwise than in the manufacture of iron and steel.—Section 4 of the Iron and Steel Industry Act, 1937, prohibits mining for iron-ore. Section 47 of the Statutes Amendment Act, 1941, authorized the granting of mining privileges under the Mining Act, 1926, in respect of iron-ore in cases where the ore is not to be used for the manufacture of iron or steel for commercial purposes. That section did not make provision for any mining for iron-ore on lands not subject to the Mining Act, 1926. The purpose of this clause is to make such provision.

Justices of the Peace.

Clause 19: Extension of power of Magistrate to deal with indictable offences.—Any person who commits any of the offences to which this clause relates is liable to a maximum penalty of two years imprisonment, and must be tried on indictment before a jury. It is considered that the offences in many cases could properly be tried before a Magistrate alone, and the clause gives the Magistrate power, if he thinks it expedient so to do, with the consent of the accused, to adopt this course.

Land.

Clause 20: This section and next *two* sections to form part of Land Act, 1924.

Clause 21: Membership of the Land Settlement Board increased.—The Land Settlement Board at present has a membership of six—viz., the Minister of Lands, the Under-Secretary for Lands, the Secretary to the Treasury, the Permanent Head of the Department of Agriculture, the Valuer-General, and the Land Purchase Inspector of the Lands and Survey Department. It is desired to add to the Board representatives of the State Advances Corporation and the New Zealand Returned Services' Association, and the clause provides for the appointment of the additional members required. The representative of the Returned Services' Association will not be a full member of the Land Settlement Board, but will sit only when matters concerning the interests of discharged servicemen are being dealt with by the Board.

Clause 22: Section 105 of the Land Act, 1924, amended.—This clause widens the authority for the incorporation of additional land in a Crown lease or license, or for the exclusion of land therefrom, so as to cover cases arising from action taken under Acts other than the Land Act. It also provides for alterations to deferred-payment licenses.

Land Drainage.

Clause 23: Section 10 (5) of Land Drainage Act, 1908, repealed.—The purpose of this clause is to repeal the provision in the Land Drainage Act, 1908, which requires the names of members of Land Drainage Boards to be gazetted. Experience has shown that this provision is of very little practical value, and such gazetting is not required in respect of members of other local authorities. In addition, the repeal of the provision will result in a saving of paper and time.

Law Practitioners.

Clause 24: This section and next *three* sections to form part of Law Practitioners Act, 1931.

Clause 25: Modifying qualifications for admission as a barrister.—Section 4 (2) (e) of the Law Practitioners Act, 1931, authorizes the admission as a barrister of any solicitor of five years' standing who has had certain specified practical experience. It is desired by the University authorities and the Law Society to reduce the course of study for the solicitors' examination from five years to three years, but it is considered by those bodies that if that is done persons who qualify under the shorter course should not be qualified for admission as barristers without further studies.

Clause 26: Amending provisions as to examination of persons who have passed examinations overseas.—The purpose of this clause is to improve the provisions relating to the examination of candidates for admission as barristers or solicitors who have passed examinations overseas. At the present time no credits can be obtained towards the law examinations unless the candidate has obtained a degree of Bachelor of Laws. Some Universities do not award this degree and, further, to obtain other degrees candidates may have passed in subjects substantially equivalent to law subjects as prescribed in New Zealand. This clause enables each candidate's qualifications to be examined separately and credits given for subjects in which he has obtained a pass elsewhere. Subclauses (1) and (2) relate to qualifications for admission as a barrister and subclauses (3) and (4) relate to qualifications for admission as a solicitor.

Clause 27: Extending powers as to benevolent funds.—The purpose of this clause is to extend the group of persons who may receive assistance from any benevolent fund established by a Law Society. At present it is limited to members of the Society, the wife or children of any member, the widow or children of any deceased member, and the parent or parents of any deceased member.

Local Authorities (Members' Contracts).

Clause 28: Section 3 of the Local Authorities (Members' Contracts) Act, 1934, amended.—The provisions of the Local Authorities (Members' Contracts) Act, 1934, are aimed generally at the prevention of contracts being entered into between local authorities and their members beyond the limits set out in section 3 of the Act. Generally speaking these safeguarding provisions are most desirable and have worked out very well in practice, but at the same time the Act recognizes that there are certain contracts in which a local-body member may be interested, but which do not offend the real purpose behind the legislation, that is collusion between the local body and a member thereof in the granting of contracts by the local authority. The Act therefore provides certain exemptions from the penal provisions of the Act, these exemptions being an interest in any loan raised by the local authority, or in any newspaper in which the local authority inserts advertisements, or in any lease granted to or by a local authority. One or two cases have arisen where a local authority, in carrying out a public work, has been compelled to take land from a local-body member under the compulsory provisions of the Public Works Act, 1928. In such cases the local-body member has no say whatever in the matter of taking the land, and accordingly there is no actual bargain between him and the local authority. It is considered that transactions of this nature should be exempted from the penal provisions of the Act, and the legislation provides for such exemption.

Meat-export Control.

Clause 29: Representative of dairy industry on New Zealand Meat-producers Board.—This clause makes provision for representation on the New Zealand Meat-producers Board of producers engaged in the dairy industry.

National Art Gallery and Dominion Museum.

Clause 30: As to unauthorized expenditure by Board of Trustees of National Art Gallery and Dominion Museum.—This clause authorizes the Board of Trustees of the National Art Gallery and Dominion Museum to expend up to £20 in any year for purposes not directly authorized by law.

Opticians.

Clause 31: Unqualified person testing sight and selling spectacles.—This clause makes it an offence punishable by a fine for any unqualified person to test the sight of another person and then sell spectacles to that person.

River Boards.

Clause 32: Section 7 of the River Boards Amendment Act, 1913, repealed.—The purpose of this clause is to repeal the provision in the River Boards Amendment Act, 1913, which requires the names of members of River Boards to be gazetted. Experience has shown that this provision is of very little practical value, and such gazetting is not required in respect of members of other local authorities. In addition, the repeal of the provision will result in a saving of paper and time.

Small Farms.

Clause 33: References to discharged soldiers to be read as references to discharged servicemen.—This clause changes the references to "discharged soldiers" to references to "discharged servicemen" in the Small Farms Act, 1932-33, and its amendments.

Thomas Cawthron Trust.

Clause 34: Amending constitution of Cawthron Institute Trust Board.—This clause provides for the appointment of a member to the Cawthron Institute Trust Board by the Minister charged with the administration of the Scientific and Industrial Research Act, 1926, on the recommendation of the Council of Scientific and Industrial Research.

Workers' Compensation.

Clause 35: Compensation for loss of only eye.—It has been held that the loss of one eye where there has been a previous loss of the other eye is treated as the loss of one eye for compensation purposes. This clause makes provision for such a case to be treated on the same basis as the loss of both eyes, subject to making an allowance for any compensation received in respect of the previous loss of the other eye.

Hon. Mr. Mason

STATUTES AMENDMENT

ANALYSIS

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| Title.
1. Short Title.

<i>Acts Interpretation.</i>
2. Citation of regulations includes citation of amendments.

<i>Coroners.</i>
3. As to remuneration of medical officers attending at inquests.

<i>Defence.</i>
4. Extending time for commencing actions against members of Defence Forces.

<i>Destitute Persons.</i>
5. Provision may be made for charging orders under Destitute Persons Act, 1910, to bind the Crown.

<i>Fire Brigades.</i>
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<i>Friendly Societies.</i>
7. Power to make loans against surrender value of policies.

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<i>Industrial Efficiency.</i>
9. This section and next four sections to form part of Industrial Efficiency Act, 1936.
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<i>Infants.</i>
14. This section and next three sections to form part of Infants Act, 1908.
15. When consent of infant to adoption may be dispensed with.
16. Form of order of adoption of illegitimate child.
17. As to adoption of children by unmarried persons less than forty years older than child.

<i>Iron and Steel Industry.</i>
18. Authority to mine for iron-ore to be used otherwise than in the manufacture of iron and steel.

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19. Extension of power of Magistrate to deal with indictable offences.

<i>Land.</i>
20. This section and next two sections to form part of Land Act, 1924.
21. Membership of Land Settlement Board increased.
22. Section 105 of Land Act, 1924, amended.

<i>Land Drainage.</i>
23. Section 10 (5) of Land Drainage Act, 1908, repealed. |
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<p style="text-align: center;"><i>Law Practitioners.</i></p> <p>24. This section and next three sections to form part of Law Practitioners Act, 1931.</p> <p>25. Modifying qualifications for admission as a barrister.</p> <p>26. Amending provisions as to examination of persons who have passed examinations overseas.</p> <p>27. Extending powers as to benevolent funds.</p> <p style="text-align: center;"><i>Local Authorities (Members' Contracts).</i></p> <p>28. Persons not disqualified from being members of local authority by reason of receipt of compensation under Public Works Act, 1928.</p> <p style="text-align: center;"><i>Meat-export Control.</i></p> <p>29. Representative of dairy industry on New Zealand Meat Producers Board.</p>	<p style="text-align: center;"><i>National Art Gallery and Dominion Museum.</i></p> <p>30. As to unauthorized expenditure by Board of Trustees of National Art Gallery and Dominion Museum.</p> <p style="text-align: center;"><i>Opticians.</i></p> <p>31. Unqualified person testing sight and selling spectacles.</p> <p style="text-align: center;"><i>River Boards.</i></p> <p>32. Section 7 of River Boards Amendment Act, 1913, repealed.</p> <p style="text-align: center;"><i>Small Farms.</i></p> <p>33. References to discharged soldiers to be read as references to discharged servicemen.</p> <p style="text-align: center;"><i>Thomas Cawthron Trust.</i></p> <p>34. Amending constitution of Cawthron Institute Trust Board.</p> <p style="text-align: center;"><i>Workers' Compensation.</i></p> <p>35. Compensation for loss of only eye.</p>
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A BILL INTITULED

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

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority 5 of the same, as follows:—

Short Title. 1. This Act may be cited as the Statutes Amendment Act, 1942.

Acts Interpretation.

Citation of regulations includes citation of amendments. See Reprint of Statutes, Vol. VIII, p. 568

2. (1) This section shall be read together with and 10 deemed part of the Acts Interpretation Act, 1924.

(2) It is hereby declared that in any Act or regulations, unless the context otherwise requires, references to any regulations cited by their title include references to all subsequent regulations made in amendment 15 thereof or in substitution therefor and for the time being in force.

Coroners.

As to remuneration of medical officers attending at inquests. Ibid., Vol. II, p. 36

3. Section sixteen of the Coroners Act, 1908, is hereby amended by adding to subsection three the 20 words "unless the Coroner certifies that exceptional circumstances render the payment of such remuneration desirable".

Defence.

Extending time for commencing actions against members of Defence Forces. Ibid., p. 610

4. Section ninety-four of the Defence Act, 1909, is 25 hereby amended by omitting from subsection one the words "three months", and substituting the words "six months".

Destitute Persons.

5. (1) This section shall be read together with and deemed part of the Destitute Persons Act, 1910 (in this section referred to as the principal Act).

5 (2) The Governor-General, on the recommendation of the Minister of Finance, may by Order in Council provide that the provisions of section forty-four of the principal Act shall bind the Crown to such extent and subject to such conditions as the Governor-General
10 thinks fit and as may be set out in the Order in Council.

(3) Any Order in Council under this section may prescribe the manner in which, the person or persons on whom, and the time within which any charging-order shall be served and may provide that any specified
15 portion or portions of the said section forty-four shall not bind the Crown.

(4) Any Order in Council made under this section may from time to time on the like recommendation and in the like manner be varied or revoked.

Provision may be made for charging-orders under Destitute Persons Act, 1910, to bind the Crown.
See Reprint of Statutes, Vol. II, p. 896

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Fire Brigades.

6. (1) This section shall be read together with and deemed part of the Fire Brigades Act, 1926 (in this section referred to as the principal Act).

25 (2) Except as otherwise provided in the principal Act, the next election and appointment of members of every Fire Board shall take place in the month of June, nineteen hundred and forty-four, and subsequent elections and appointments shall take place in the same month in every third year thereafter.

30 (3) This section is in substitution for section eleven of the Fire Brigades Amendment Act, 1932, and that section is hereby accordingly repealed.

(4) The principal Act is hereby consequentially amended as follows:—

35 (a) By omitting from subsection two of section thirteen the word "biennial", and substituting the word "triennial":

40 (b) By omitting from subsection two of section twenty-four the word "biennial" wherever it occurs, and substituting in each case the word "triennial".

Altering date of elections and appointments of members of Fire Boards.
Ibid., Vol. III, p. 307

Repeal.
1932, No. 26

Friendly Societies.

7. (1) This section shall be read together with and deemed part of the Friendly Societies Act, 1909 (in
45 this section referred to as the principal Act).

(2) Notwithstanding anything to the contrary in the principal Act, where the rules of a registered society or branch provide that a member who elects to cease

Power to make loans against surrender value of policies.
See Reprint of Statutes, Vol. III, p. 461

contributing for a sum payable at death or on survival to a specified date shall be entitled on such election to receive a cash payment, the society or branch may (if its rules so provide) make a loan to any member entitled to cease contributing as aforesaid of an amount not exceeding ninety per centum of the cash payment to which the member would be entitled if he elected on the day the loan is granted so to cease contributing. 5

(3) The amount of the loan, or such part thereof as has not been repaid, together with any interest thereon which may then be owing, shall be a first charge on the sum payable at death or on survival to the specified date or if the member subsequently elects to cease contributing. 10

Harbours.

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8. Section nine of the Harbours Amendment Act, 1925, is hereby amended by omitting from subsection three the word "casual".

Payment of wages from Imprest Accounts.

See Reprint of Statutes, Vol. III, p. 673

This section and next four sections to form part of Industrial Efficiency Act, 1936. 1936, No. 40

Industrial Efficiency Appeal Authority.

Industrial Efficiency.

9. This section and the next four succeeding sections shall be read together with and deemed part of the Industrial Efficiency Act, 1936 (in those sections referred to as the principal Act). 20

10. (1) For the purposes of the principal Act the Governor-General may from time to time appoint any person to be the Industrial Efficiency Appeal Authority (in this section and the next three succeeding sections referred to as the Appeal Authority). 25

(2) The Appeal Authority shall be appointed for a term not exceeding three years, but he may be reappointed or may be at any time removed from office by the Governor-General for disability, neglect of duty, or misconduct, or may at any time resign his office by writing addressed to the Minister. 30

(3) No person shall be capable of acting as the Appeal Authority in relation to any appeal if he is financially interested, directly or indirectly (otherwise than as a member of an incorporated company in which there are more than twenty members), in the industry to which the appeal relates: 35

Provided that no act or proceeding of the Appeal Authority shall be invalidated in consequence of the subsequent discovery that the Appeal Authority was incapacitated under this subsection. 40

11. (1) The Governor-General may appoint such person as he thinks fit as the deputy of the Appeal Authority to act in any case of temporary absence of the Appeal Authority or in any matter in respect of which the Appeal Authority is incapacitated under the last preceding section. 45

Deputy of Appeal Authority.

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(2) While so acting any person appointed under this section may exercise all the powers of the Appeal Authority.

5 (3) The appointment of any person under this section may be for such term, not exceeding the unexpired balance of the term of appointment of the Appeal Authority, as the Governor-General thinks fit, or may be for any specified period or periods of absence of the Appeal Authority, or may be in relation
10 to any specified matter or matters or class of matters.

(4) The provisions of the *last preceding* section and any other provisions of the principal Act relating to the Appeal Authority shall, so far as they are applicable and with the necessary modifications, apply with
15 respect to every person appointed under this section.

(5) The fact that any person purporting to act as deputy of the Appeal Authority exercises any power, duty, or function of the Appeal Authority shall be sufficient evidence of his authority so to do; and no
20 person shall be concerned to inquire whether any occasion has arisen or continues requiring or authorizing him so to do, or be affected by notice that no such occasion has arisen.

25 **12.** (1) For the purposes of any appeal to the Appeal Authority the provisions of the Commissions of Inquiry Act, 1908, shall, so far as they are applicable and with the necessary modifications, apply as if the Appeal Authority were a Commission of Inquiry appointed under that Act.

Procedure
of Appeal
Authority.
See Reprint
of Statutes,
Vol. I, p. 1036

30 (2) Except as provided in the principal Act or as may be provided by any regulations under the principal Act in relation to appeals from decisions of the Bureau, the Appeal Authority may regulate his own procedure in such manner as he thinks fit.

35 **13.** (1) All appeals under section twenty-one of the principal Act shall after the passing of this Act be determined by the Appeal Authority, and all references to the Minister in the said section twenty-one shall hereafter be deemed to be references to the Industrial
40 Efficiency Appeal Authority.

Appeal
Authority
to determine
appeals from
decisions of
Bureau.

(2) All appeals duly lodged under the said section twenty-one, but not determined before the passing of this Act, shall be determined by the Appeal Authority.

(3) The said section twenty-one is hereby amended
45 by repealing subsection three.

Repeal.

Infants.

This section and next *three* sections to form part of Infants Act, 1908.

See Reprint of Statutes, Vol. III, p. 1073

When consent of infant to adoption may be dispensed with.

Form of order of adoption of illegitimate child.

As to adoption of children by unmarried persons less than forty years older than child.

Authority to mine for iron-ore to be used otherwise than in the manufacture of iron and steel.

1937, No. 33

See Reprint of Statutes, Vol. V, p. 943

1941, No. 26

14. This section and the next *three succeeding* sections shall be read together with the Infants Act, 1908 (in those sections referred to as the principal Act), and shall be deemed to form part of Part III 5 of that Act.

15. Notwithstanding anything to the contrary in section eighteen of the principal Act, if the Judge making an order of adoption of any child over the age of twelve years is satisfied that it would not be desirable 10 to require the consent of the child to the adoption, he may, if he thinks fit, dispense with the consent of the child.

16. (1) No order of adoption made after the passing of this Act shall state whether or not the child 15 therein referred to is an illegitimate child.

(2) Notwithstanding anything to the contrary in the principal Act or in any rules made thereunder, no order of adoption shall be deemed to be or to have been 20 invalid by reason only that it failed to state whether the child therein referred to was legitimate or illegitimate.

17. Notwithstanding the provisions of paragraph (d) of section sixteen or paragraph (d) of section 25 seventeen of the principal Act an order of adoption may be made in any case to which either of those paragraphs relates where the applicant is less than forty years older than the child sought to be adopted if the Judge hearing the application considers that 30 such an order should be made.

Iron and Steel Industry.

18. (1) This section shall be read together with and deemed part of the Iron and Steel Industry Act, 1937 (in this section referred to as the principal Act).

(2) Notwithstanding anything to the contrary in 35 section four of the principal Act, it shall be lawful for any person to mine for iron-ore to be used otherwise than in the manufacture of iron or steel for commercial purposes in accordance with the following provisions of this section. 40

(3) Where any such iron-ore is situated in or on any lands that are for the time being subject to the Mining Act, 1926, mining operations in respect of such ore may be carried on pursuant to a mining privilege granted subject to the special conditions imposed by 45 section thirty-seven of the Statutes Amendment Act, 1941, and not otherwise.

(4) In any case to which the *last preceding* subsection does not apply, a permit to mine for iron-ore as aforesaid may be granted by the Minister, subject to such terms and conditions (if any) as he thinks
 5 necessary to ensure that no iron-ore produced under the authority of the permit will be used in the manufacture of iron or steel for commercial purposes. Any permit issued by the Minister under this section may be at any time revoked if the Minister is satisfied that
 10 any iron-ore produced thereunder has been or is intended to be used in contravention of the terms or conditions of the permit.

(5) No permit issued by the Minister under the authority of this section shall be deemed to confer on
 15 the holder any rights of property in or over any land to which the permit relates.

Justices of the Peace.

19. Section one hundred and eighty-eight of the Justices of the Peace Act, 1927, is hereby amended
 20 by inserting, after paragraph (e), the following paragraph:—

“(f) Any offence under section fifty-three of the Marriage Act, 1908, or under section fifty-five of the Births and Deaths Registration
 25 Act, 1924:”

Extension of power of Magistrate to deal with indictable offences.

See Reprint of Statutes, Vol. II, p. 404

Ibid., Vol. III, p. 841; Vol. VIII, p. 54

Land.

20. This section and the next *two succeeding* sections shall be read together with and deemed part of the Land Act, 1924 (in those sections referred to as the
 30 principal Act).

21. (1) Section thirty-nine of the Statutes Amendment Act, 1941, is hereby amended by adding to subsection two thereof the following paragraphs:—

“(g) A person appointed from time to time by
 35 the Board of Management of the State Advances Corporation of New Zealand as representing that Corporation:

“(h) A person to be appointed by the Minister on the recommendation of the Dominion Executive of the New Zealand Returned Services’ Association (Incorporated).”

(2) The said section thirty-nine is hereby further amended by omitting from subsection four the word
 40 “three”, and substituting the word “four”.

(3) The powers of the Land Settlement Board shall not be affected by any vacancy in the membership
 45 thereof.

This section and next *two* sections to form part of Land Act, 1924.

Ibid., Vol. IV, p. 622

Membership of Land Settlement Board increased. 1941, No. 26

1932-33, No. 43

(4) The person appointed under paragraph (h) of subsection one of the said section thirty-nine, as amended by this section, shall be a member of the Board for all purposes connected with the settlement of discharged servicemen under the Small Farms Act, 1932-33, but for no other purpose whatsoever. 5

(5) Except as provided in the *next succeeding* subsection the person appointed under paragraph (h) aforesaid shall be appointed for a term of five years, but may from time to time be reappointed, or may be at any time removed from office by the Governor-General for disability, insolvency, neglect of duty, or misconduct, or may at any time resign his office by writing addressed to the Minister. 10

(6) If the member appointed under paragraph (h) aforesaid dies, is removed from office, or resigns, the vacancy so created shall be filled in the manner in which the appointment to the vacant office was originally made. The person so appointed shall be appointed for the residue of the term for which his predecessor was appointed. 15 20

(7) Unless he sooner vacates his office as provided in the *last preceding* subsection, every member appointed under paragraph (h) aforesaid shall continue in office until his successor comes into office, notwithstanding that the term for which he was appointed may have expired. 25

Section 105
of Land Act,
1924, amended.
See Reprint
of Statutes,
Vol. IV, p. 673

22. Section one hundred and five of the principal Act is hereby amended by repealing subsections one and two thereof, and substituting the following subsections:— 30

“(1) Where, pursuant to any authority conferred by this Act or any other enactment, any land is incorporated in a lease or license, or is excluded from any lease or license, the Board shall make all necessary and equitable adjustments in the rent or instalments of principal and interest payable under the lease or license. 35

“(2) Where land is incorporated in or is excluded from a lease or license as aforesaid the Commissioner shall prepare and sign a certificate setting forth such particulars with respect to any alteration in area, capital value, rent, purchase-money, instalments of principal and interest, or other matter as he may deem necessary in the circumstances of any case. Such certificate shall have endorsed thereon or attached thereto a plan of the lands affected, and shall be handed to the District Land Registrar, who shall thereupon endorse on the relevant lease or license a memorial of the same.” 40 45 50

Land Drainage.

23. Section ten of the Land Drainage Act, 1908, is hereby amended by repealing subsection five thereof.

Section 10 (5) of Land Drainage Act, 1908, repealed.

Law Practitioners.

5 24. This section and the next *three succeeding* sections shall be read together with and deemed part of the Law Practitioners Act, 1931 (in those sections referred to as the principal Act).

See Reprint of Statutes, Vol. IV, p. 470

This section and next *three* sections to form part of Law Practitioners Act, 1931.

10 25. Notwithstanding anything to the contrary in section four of the principal Act no person shall be qualified to be admitted and enrolled as a barrister of the Court upon the ground that he is a person of the description specified in paragraph (e) of subsection two of that section (as enacted by section forty-five of the Law Practitioners Amendment Act, 1935):

Ibid., p. 1060

Modifying qualifications for admission as a barrister. 1935, No. 20

15 Provided that nothing in this section shall apply with respect to any person who on or before the last day of March, nineteen hundred and forty-three, is enrolled as a solicitor of the Court, or is qualified to

20 be admitted and enrolled as such, or would be so qualified if he were of the age of twenty-one years.

26. (1) Subsection two of section four of the principal Act is hereby amended as follows:—

Amending provisions as to examination of persons who have passed examinations overseas.

25 (a) By inserting in paragraph (a), after the word “ passed ”, the words “ or been credited with a pass in ”:

(b) By repealing paragraph (d).

(2) Section five of the principal Act is hereby amended as follows:—

30 (a) By adding to subsection two the following additional proviso:—

35 “ Provided also that the Senate may credit with a pass in any prescribed examination or any examination in any prescribed subject or subjects any person who satisfies the Senate that he has passed at any University other than the University of New Zealand an examination substantially equivalent to the examination for which credit is sought, and, in granting

40 such credit, the Senate may require that the person so credited shall pass a prescribed examination in the statute law of New Zealand and in the practice of law.”:

45 (b) By inserting in subsection three, after the word “ passed ”, the words “ or been credited with a pass in ”.

(3) Subsection two of section twelve of the principal Act is hereby amended as follows:—

(a) By inserting in paragraph (a), after the word “passed”, the words “or been credited with a pass in”:

5

(b) By repealing paragraph (d).

(4) Section thirteen of the principal Act is hereby amended as follows:—

(a) By adding to subsection two the following additional proviso:—

10

“Provided also that the Senate may credit with a pass in any prescribed examination or any examination in any prescribed subject or subjects any person who satisfies the Senate that he has passed at any University other than the University of New Zealand an examination substantially equivalent to the examination for which credit is sought, and, in granting such credit, the Senate may require that the person so credited shall pass a prescribed examination in the statute law of New Zealand and in the practice of law.”:

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(b) By inserting in subsection three, after the word “passed”, the words “or been credited with a pass in”.

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Extending powers as to benevolent funds.

1935, No. 20

27. Any moneys in a fund established, whether before or after the passing of this Act, pursuant to section forty-three of the Law Practitioners Amendment Act, 1935, may be used for the purpose of affording pecuniary or other assistance to any person in need of such assistance who has at any time been a member of the Society which has established the fund or who is the wife or the widow or a child of a person who has at any time been a member of that Society.

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Local Authorities (Members' Contracts).

Persons not disqualified from being members of local authority by reason of receipt of compensation under Public Works Act, 1928.

1934, No. 17

See Reprint of Statutes, Vol. VII, p. 622

28. The provisions of section three of the Local Authorities (Members' Contracts) Act, 1934, as to the disqualification of persons from being elected or appointed to be or from being a member of a local authority, shall not apply with respect to any interest in any payment that has been or may hereafter be received by way of compensation under the Public Works Act, 1928, for any loss, damage, or injury suffered by reason of the exercise of any power under that Act.

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Meat-export Control.

29. (1) This section shall be read together with and deemed part of the Meat-export Control Act, 1921-22 (in this section referred to as the principal 5 Act).

(2) In addition to the members of the New Zealand Meat-producers Board appointed pursuant to section two of the principal Act the Governor-General may from time to time, on the recommendation of the New 10 Zealand Dairy Board, established under the Dairy-Produce Export-control Act, 1923, appoint a member as the representative of the dairy-producers of New Zealand. Every such member shall be appointed for a term of two years, but may at any time be removed 15 from office by the Governor-General for inefficiency, disability, insolvency, neglect of duty, or misconduct, or may at any time resign his office by writing addressed to the Governor-General, or may from time to time be 20 reappointed on the expiry of any term of his appointment.

Representative of dairy industry on New Zealand Meat Producers Board.

See Reprint of Statutes, Vol. VIII, pp. 649, 659

National Art Gallery and Dominion Museum.

30. The Board of Trustees of the National Art Gallery and Dominion Museum established under section four of the National Art Gallery and Dominion Museum 25 Act, 1930, may in any financial year out of its funds expend for purposes not authorized by the said Act or by the rules of the Board any sum or sums not amounting in the aggregate to more than twenty pounds.

As to unauthorized expenditure by Board of Trustees of National Art Gallery and Dominion Museum. Ibid., Vol. IV, p. 1119

30 *Opticians.*

31. (1) This section shall be read together with and deemed part of the Opticians Act, 1928.

(2) Every person commits an offence and is liable on summary conviction to a fine of *twenty* pounds 35 who, not being a registered medical practitioner or a registered optician, sells or offers to sell spectacles to any other person in respect of whom he has employed any methods for the estimation of errors of refraction of the human eye.

Unqualified person testing sight and selling spectacles.

Ibid., Vol. V, p. 701

40 *River Boards.*

32. Section seven of the River Boards Amendment Act, 1913, is hereby repealed.

Section 7 of River Boards Amendment Act, 1913, repealed.

Ibid., Vol. IV, p. 553

Small Farms.

References to discharged soldiers to be read as references to discharged servicemen. 1932-33, No. 43 1940, No. 28

- 33.** (1) This section shall be read together with and deemed part of the Small Farms Act, 1932-33 (in this section referred to as the principal Act). 5
- (2) Section two of the Small Farms Amendment Act, 1940, is hereby amended by omitting the word "soldier", and substituting the word "serviceman".
- (3) All references to discharged soldiers in the principal Act and in any amendment thereof shall hereafter be read as references to discharged servicemen. 10

Thomas Cawthron Trust.

Amending constitution of Cawthron Institute Trust Board. 1924 (Private), No. 6 See Reprint of Statutes. Vol. VIII, p. 174

- 34.** (1) Section three of the Thomas Cawthron Trust Act, 1924, is hereby amended by inserting, after paragraph (c), the following paragraph:—
- "(cc) One person to be appointed by the Minister charged with the administration of the Scientific and Industrial Research Act, 1926, on the recommendation of the Council of Scientific and Industrial Research, shall be a member of the Board. A member so appointed shall hold office for a period of three years from the date of his appointment, and shall be eligible for reappointment." 15 20
- (2) Section four of the said Act is hereby amended by omitting from the proviso to subsection one the word "three", and substituting the word "two". 25

Workers' Compensation.

Compensation for loss of only eye. See Reprint of Statutes, Vol. V, p. 597

- 35.** (1) This section shall be read together with and deemed part of the Workers' Compensation Act, 1922 (in this section referred to as the principal Act). 30
- (2) For the purposes of section eight of the principal Act and the Second Schedule thereto the permanent loss of the use of one eye by a worker who is already permanently without the use of the other eye shall be deemed to be the permanent loss of the use of both eyes: 35
- Provided that any sum previously received by the worker by way of compensation in respect of that other eye shall be taken into account in estimating the compensation. 40