

STATUTES AMENDMENT BILL

EXPLANATORY NOTES

Births and Deaths Registration

Clause 2: Registration of birth of child adopted in New Zealand when birth not previously registered in New Zealand.—This clause will provide a procedure whereby, if an infant whose birth is not registered in New Zealand is adopted in New Zealand, its birth will be registered (under its name by adoption) in the same manner as the birth of a New Zealand born child who is adopted.

Broadcasting

Clause 3: Power to develop broadcasting talent.—This clause will extend the powers of the Minister under the Broadcasting Act, 1936, so as to enable him to take steps to develop and improve the potential broadcasting talent of New Zealand, and will enable the moneys required for that purpose to be paid out of the Broadcasting Account as if they were part of the expense of providing programmes.

Clause 4: Repealing provisions as to separate commercial broadcasting service.—This clause repeals the provisions relating to the establishment of the National Commercial Broadcasting Service and the appointment of a Controller to carry it on independently of the Director of Broadcasting. The existing commercial service will be continued under the authority of section 14 of the Broadcasting Act, 1936, but it will in future be a division of the National Broadcasting Service.

Chattels Transfer

Clause 5: Registration of instruments must be renewed within five years.—This clause will make it clear that the period of five years allowed under section 14 of the Chattels Transfer Act, 1924, for second and subsequent renewals of the registration of an instrument runs from the date of the previous renewal, and not from the expiration of the last complete period of five years from the date of the original registration. Although a recent decision in the Supreme Court has interpreted section 14 in accordance with the proposed clause, the present provisions are so ambiguous that it is desirable to amend them in order to prevent any question as to the correctness of the decision from being raised in the Court of Appeal in any subsequent case.

Counties

Clause 6: This section and next *three* sections to form part of Counties Act, 1920.

Clause 7: County Councils authorized to undertake destruction of wild pigs.—Certain County Councils in the North Island have found that the wild-pig menace has increased enormously in their districts as the result of shortage of labour, absence of property owners and young men with the Armed Forces, the impressment of rifles, and the difficulty of securing ammunition for rifles that have not been impressed. In view of the serious position represented by the County Councils and in order to deal with wild pigs on Crown and Native lands in the counties concerned the Government agreed to provide grants to the County Councils concerned up to a sum of £150 as a refund for expenditure incurred by those Councils in connection with this work. The Councils have been advised, however, that, as they have no statutory authority to expend

their funds on the work of wild-pig destruction, they cannot avail themselves of the grants provided by the Government. In the circumstances, it is considered desirable to authorize County Councils generally to incur expenditure in carrying out the destruction of wild pigs, and the clause provides the necessary authority.

Clause 8: County Councils may undertake control and eradication of nassella tussock.—The purpose of this clause is to enable County Councils to do, without delay, all things necessary to check the spread of the plant nassella tussock, which infests large areas in several counties in the northern part of the South Island. It is intended later to replace this legislation with a more comprehensive scheme now being considered by the County Councils concerned.

Clause 9: County Councils may act together in controlling and eradicating nassella tussock.—This clause empowers County Councils to combine for the purposes mentioned in *clause 8*, enabling a pooling of funds, labour, and equipment in attacking the tussock.

Electoral

Clause 10: Postal voting by electors over two miles from a polling-place.—Under section 140 (1) of the Electoral Act, 1927, a person who will not, during polling-hours, be within five miles by the nearest practicable route of any polling-place may vote by the postal voting procedure. This clause reduces the distance of five miles to two miles.

Fair Rents

Clause 11: This section and next *two* sections to form part of Fair Rents Act, 1936.

Clause 12: Husband or wife of deceased tenant protected.—It has been held that if a tenant dies and the tenancy is determined by notice, the widow or widower of the tenant does not have the benefit of the protection afforded by the Fair Rents Act, 1936. This clause will give that protection.

Clause 13: Provision where landlord is wife or widow of serviceman.—This clause gives the same advantages to a wife or widow of a serviceman in cases where the family home is in her name as were given by section 10 of the Fair Rents Amendment Act, 1942, to a landlord who is a serviceman and who requires the dwellinghouse for his own occupation.

Family Protection

Clause 14: Parents may claim benefit of Family Protection Act, 1908, in certain circumstances.—Under section 33 of the Family Protection Act, 1908, the wife, husband, or children of a deceased person can make application to the Court for provision to be made for them out of the estate of the deceased. It sometimes happens that one of the parents of the deceased has been dependent on him but he has made no provision for his parent's benefit. This clause will enable a parent to claim a share in his or her child's estate, where the child is not survived by his or her wife or husband or any children.

Health

Clause 15: Section 26 of Health Act, 1920 (as to nuisances), amended.—Subclause (1) will make it possible for the Department of Health to deal more simply and expeditiously with cases of dampness due to defective walls instead of having to proceed by way of closing order. Subclause (2) is for the purpose of giving the Department wider powers to control conditions likely to give rise to the breeding of disease-carrying insects, and is particularly required in view of the increased possibility of the introduction of those insects into New Zealand owing to increased aerial communication with overseas countries.

Impounding

Clause 16 : Recovery of damages for trespass from residue of proceeds of pound sale.—Under the Impounding Act, 1908, the person impounding cattle trespassing on his land is entitled either to claim the trespass rates prescribed by the Act or to claim compensation for the actual damage sustained by him. The Act provides that on the cattle being sold the residue of the proceeds, after payment of fees, charges, and trespass rates, goes to the owner, or, if not claimed, to the District Fund of the local authority. It sometimes happens that considerable damage is done and the owner of the cattle cannot be located. This clause will give the impounder of the cattle the option, in cases where the owner of the cattle is not known, of accepting the trespass rates or of making a claim for damages on the residue of the proceeds.

Infants

Clause 17 : Provision as to consent to adoption where no parent or guardian.—The Infants Act, 1908, requires that before an adoption order can be made written consent to the adoption must be obtained from the parents or the legal guardian. Difficulties have arisen in cases where both parents are dead and there is no legal guardian to give consent. This clause will enable these difficulties to be overcome, the Superintendent of the Child Welfare Branch being for the purpose of consent placed in the position of a legal guardian.

Juries

Clause 18 : Notices concerning jury lists not to be placed on church doors.—This clause amends the Juries Act, 1908, to provide that notices of jury lists being open to inspection shall be displayed outside police-stations instead of being affixed to church doors.

Law Practitioners

Clause 19 : District Law Society may apply to have bills of costs taxed.—At the present time if a complaint is made to a Society concerning costs charged by a solicitor, the Society cannot itself take any proceedings to have the amount reduced. This clause will enable a District Law Society in appropriate cases to take steps to have reduced any costs charged by a solicitor in excess of a proper amount.

Clause 20 : Practising certificate may be refused in certain cases.—This clause provides that where a barrister or solicitor is an undischarged bankrupt or has not been holding a practising certificate for at least two years he cannot obtain a certificate entitled him to practise until the Disciplinary Committee has had an opportunity of considering whether he is of good character and otherwise a fit and proper person to practise. The Disciplinary Committee is given power, after giving the barrister or solicitor an opportunity of being heard, to make an order prohibiting the issue of a certificate. The Law Practitioners Amendment Act, 1935, gives a right of appeal to the Supreme Court from any order of the Disciplinary Committee, and this right of appeal will be available to any barrister or solicitor dissatisfied with an order of the Disciplinary Committee under this section.

Mortgagors and Lessees Rehabilitation

Clause 21 : Cancellation of registration of orders of Court of Review when property no longer affected.—A number of orders made under the Mortgagors and Lessees Rehabilitation Act, 1936, were registered against interests in land which were not really affected thereby, and there are now many cases where the orders have expired or, by reason of changed circumstances, are no longer binding on the properties against which they were registered. This section provides machinery whereby these orders can be cleared off the titles.

Municipal Association

Clause 22: Section 7 of the Municipal Association Act, 1939, amended.—Section 7 of the Municipal Association Act, 1939, provides for the payment of such annual allowance, not exceeding £100, as the executive committee fixes to the president of the Municipal Association of New Zealand. The executive committee is of opinion that, in view of the considerable amount of time which the president gives to association matters and to public duties arising from his office, involving financial sacrifice to him, an allowance of £100 is not now an adequate recompense. The clause accordingly increases to £200 the maximum amount that the executive committee may fix from time to time.

New Zealand University

Clause 23: Power for Senate to grant concessions to students prejudiced by war service.—By section 53 of the Statutes Amendment Act, 1939, the Senate of the New Zealand University may credit soldiers and others prejudiced by war service with passes in cases where the margin of failure has been small. This clause repeals and replaces that section giving the Senate extended powers to assist soldiers and others prejudiced by war service. Under this clause the Senate will now be able to shorten the courses of those persons by the omission of subjects, thus reducing the period of study that returned servicemen will need to undergo before obtaining the qualifications necessary for entry to a profession.

Pharmacy

Clause 24: Pharmaceutical Society may establish a school of pharmacy.—This clause contains an authority for the Pharmaceutical Society to establish one or more schools where pharmaceutical subjects may be taught and the practical experience gained by apprentices may be enlarged. No one can become a registered chemist without passing prescribed examinations and serving at least four years under articles of apprenticeship. Subclause (6) of the clause gives authority for the making of regulations requiring attendance at a school set up under the clause as a pre-requisite to registration as a chemist, with authority to provide for exemptions in suitable cases.

Public Reserves, Domains, and National Parks

Clause 25: National Park Boards may grant leases of special areas set apart for purpose.—National Park Boards constituted under Part III of the Public Reserves, Domains, and National Parks Act, 1928, have power, with the consent of the Minister of Lands, to lease sites for accommodation-houses, &c., but no authority to lease land for other purposes such as grazing. It is desirable that there should be some general power of leasing, subject to proper consent, and the clause provides that leasing-areas within a national park may be set apart with the consent of the Governor-General, and leases issued subject to the approval of the Minister. The Tongariro and Egmont National Park Boards already have a somewhat similar power.

Rehabilitation

Clause 26: Seamen on intercolonial ships included in term "serviceman".—The Rehabilitation Act, 1941, was passed before war commenced against Japan and at that time it was considered that a person who served on an intercolonial-trading ship should not be entitled to claim benefits under the Act unless his ship had actually been sunk or damaged by enemy action. This amendment now brings within the definition of the term "serviceman" every person who, while ordinarily resident in New Zealand, has at any time during the present war served in any capacity in a British ship which is an intercolonial-trading ship within the meaning of the Shipping and Seamen Act, 1908.

Small Farms

Clause 27: This section and next two sections to form part of Small Farms Act, 1932-33.

Clause 28: Extending definition of term "discharged serviceman".—This clause redefines the term "discharged serviceman" for the purposes of the Small Farms Act, 1932-33, and its amendments to include the same persons as are included in that term under the Rehabilitation Act, 1941. The definition in that Act was wider than that under the Small Farms Act as it included persons who have served in certain British ships.

Clause 29: Special provision with respect to leases to discharged servicemen.—In connection with the settlement on the land of discharged servicemen the Lands Department is to undertake the settlement of land under the Small Farms Act, 1932-33. Specially low rates of rental are to be charged. At present the rental under Small Farms leases is fixed by section 6 (5) of the Small Farms Amendment Act, 1939, at 4½ per cent. of the unimproved value with provision for a rebate of one-ninth for prompt payment. In the case of discharged servicemen lessees, however, it is proposed to fix the basic rate at 4 per cent. of the unimproved value, without rebate; but for the first year the rental will be only 2 per cent., and for the second and third years 3 per cent., while the Land Settlement Board will have a discretionary authority to reduce the rental to not less than 2 per cent. during the second, third, fourth, fifth, sixth, and seventh years of the lease. These rental concessions are to apply not only in cases where a lease is issued direct to a discharged serviceman, but also in cases where a discharged serviceman acquires an existing Small Farms lease by way of transfer either from a civilian lessee or from another discharged serviceman. It is, of course, not desired that a discharged serviceman should be able to sell his concessions to a non-serviceman, and provision is therefore made to increase the rental to the ordinary applicable rate should a serviceman transfer his lease to a civilian. Except with special approval the rental concessions outlined are not to be available to a discharged serviceman in respect of more than one lease. In the event of the death of a discharged serviceman lessee such rental concessions as would ordinarily have been made to him will be made if necessary to his widow, or to any of his children, or to his father or mother, as the circumstances may require.

Wool Industry Promotion

Clause 30: Retirement by rotation of wool-growers' representatives.—This clause alters the term of the appointment of the Government representative and the wool-growers' representatives on the New Zealand Wool Council from three years to two years and provides that two of the four representatives of the wool-growers shall retire each year.

Hon. Mr. Mason

STATUTES AMENDMENT

ANALYSIS

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| <p style="text-align: center;"><i>Law Practitioners</i></p> <p>19. District Law Society may apply to have bills of costs taxed.</p> <p>20. Practising certificates may be refused in certain cases.</p> <p style="text-align: center;"><i>Mortgagors and Lessees</i></p> <p style="text-align: center;"><i>Rehabilitation</i></p> <p>21. Cancellation of registration of orders of Court of Review when property no longer affected.</p> <p style="text-align: center;"><i>Municipal Association</i></p> <p>22. Section 7 of Municipal Association Act, 1939, amended.</p> <p style="text-align: center;"><i>New Zealand University</i></p> <p>23. Power for Senate to grant concessions to students prejudiced by war service. Repeal.</p> <p style="text-align: center;"><i>Pharmacy</i></p> <p>24. Pharmaceutical Society may establish a school of pharmacy.</p> | <p style="text-align: center;"><i>Public Reserves, Domains, and National Parks</i></p> <p>25. National Park Boards may grant leases of special areas set apart for purpose.</p> <p style="text-align: center;"><i>Rehabilitation</i></p> <p>26. Seamen on intercolonial ships included in term "serviceman".</p> <p style="text-align: center;"><i>Small Farms</i></p> <p>27. This section and next two sections to form part of Small Farms Act, 1932-33.</p> <p>28. Extending definition of term "discharged serviceman".</p> <p>29. Special provision with respect to leases to discharged servicemen.</p> <p style="text-align: center;"><i>Wool Industry Promotion</i></p> <p>30. Retirement by rotation of wool-growers' representatives on Wool Council. Repeal.</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 of the same, as follows:—

Short Title. 1. This Act may be cited as the Statutes Amendment Act, 1943.

Births and Deaths Registration

Registration of birth of child adopted in New Zealand previously registered in New Zealand. See Reprint of Statutes, Vol. VIII, p. 36 Ibid., Vol. III, p. 1073

2. (1) This section shall be read together with and deemed part of the Births and Deaths Registration Act, 1924 (in this section referred to as the principal Act).

(2) In any case where an order of adoption is made under Part III of the Infants Act, 1908, in respect of a child whose birth is not registered in New Zealand, the Registrar-General, upon being satisfied as to the correctness of the particulars necessary for the proper registration of the birth of the child, shall send to the Registrar at Wellington a copy of the notice received by him from the Clerk of the Court under section twenty-seven of the principal Act; and that Registrar shall register, in duplicate, particulars as to the birth of the child, stating the name by adoption instead of

the natural name of the child, and stating particulars as to the adopting parent or parents instead of particulars as to the natural parents; and shall transmit the duplicate of the entry to the Registrar-General as if it were a duplicate of an entry made by him pursuant to section twelve of the principal Act.

(3) The Registrar-General may if he thinks fit direct registration to be effected in accordance with the provisions of the *last preceding* subsection in any case where an adoption order has been made before the passing of this Act under Part III of the Infants Act, 1908, or the corresponding provisions of any former Act, in respect of a child whose birth is not registered in New Zealand.

15 *Broadcasting*

3. (1) This section shall be read together with and deemed part of the Broadcasting Act, 1936 (in this section referred to as the principal Act).

Power to develop broadcasting talent. 1936, No. 15

(2) The powers conferred on the Minister by section four of the principal Act shall be deemed to include power to do all such things as he considers to be in the interests of the community for the purpose of developing and improving broadcasting talent.

(3) Section thirteen of the principal Act is hereby amended by inserting in paragraph (a) of subsection one, after the word "Minister", the words "or for the purpose of developing and improving broadcasting talent".

4. Section two of the Broadcasting Amendment Act, 1937, is hereby repealed.

Repealing provisions as to separate commercial broadcasting service. 1937, No. 11

Chattels Transfer

5. Section fourteen of the Chattels Transfer Act, 1924, is hereby amended by repealing subsections one and two, and substituting the following subsections:—

35 " (1) The registration of an instrument shall cease to be of any effect at the expiration of five years from the date of the registration or, where the registration has been renewed in accordance with this section, at the expiration of five years from the date of the renewal of the registration or of the last renewal of the registration, as the case may be.

Registration of instruments must be renewed within five years. See Reprint of Statutes, Vol. I, p. 640

40 " (2) Subject to section thirteen hereof, the period within which the registration of an instrument may be

renewed is five years from the date of the registration or, where the registration has previously been renewed in accordance with this section, five years from the date of the prior renewal of the registration or of the last prior renewal of the registration, as the case may be." 5

Counties

This section and next three sections to form part of Counties Act, 1920.

See Reprint of Statutes, Vol. V, p. 180

County Councils authorized to undertake destruction of wild pigs.

County Councils may undertake control and eradication of nassella tussock.

6. This section and the next three succeeding sections shall be read together with and deemed part of the Counties Act, 1920.

7. (1) A County Council may expend moneys in 10 or towards the destruction of wild pigs in the county.

(2) Any expenditure incurred by a County Council for the purpose aforesaid before the passing of this Act shall be deemed to have been lawfully incurred.

8. (1) Any County Council may promote and carry 15 out measures for the control and eradication within the county of the plant *Nassella trichotoma* (in this section referred to as nassella tussock), and for that purpose the Council may—

(a) Appoint such Inspectors and other officers and 20 servants as are in its opinion necessary for the proper exercise of its powers under this section:

(b) Enter at all reasonable times, by any of its 25 members, Inspectors, officers, agents, and servants, upon any land in the county for the purpose of ascertaining whether there is any nassella tussock thereon:

(c) Where any nassella tussock is found on any 30 land in the county, enter at all reasonable times, by any such person as aforesaid, upon that land and do in respect thereof all such acts and things as appear to the Council to be necessary or expedient for eradicating 35 nassella tussock from the land or for preventing the spread of nassella tussock to any other land:

Provided that the power of entry conferred by this paragraph shall not be exercised except after twenty-four hours' 40 previous notice of the intended entry given to the person in actual occupation of the land:

(d) Generally take all such measures and perform and do all such acts and things as appear to the Council to be necessary or expedient to control and eradicate nassella tussock within the county.

(2) The Council may from time to time expend such sum or sums of money as it deems necessary for the purpose of exercising any of the powers conferred upon it by this section.

(3) Neither the Council nor any person exercising under or by virtue of this section any power of entry or other power in relation to land shall be deemed to be a trespasser or be liable for any damage unless the damage is occasioned otherwise than in the reasonable exercise of the power.

9. (1) The Councils of two or more counties may act together in the exercise of their powers under the *last preceding* section, and may, upon such terms and conditions as they think fit, jointly appoint Inspectors and others for that purpose.

County Councils may act together in controlling and eradicating nassella tussock.

(2) Any Council may from time to time arrange with any other Council for that other Council and its Inspectors and officers on behalf of the first-mentioned Council to exercise in the county of the first-mentioned Council the powers of that Council under the *last preceding* section.

(3) Any Council may for the purposes of this section enter into such agreements as it thinks fit, and the agreements may contain all such provisions as to the Council seem necessary or expedient.

Electoral

10. Section one hundred and forty of the Electoral Act, 1927, is hereby amended by omitting from paragraph (b) of subsection one the words "five miles", and substituting the words "two miles".

Postal voting by electors over two miles from a polling-place. See Reprint of Statutes, Vol. VI, p. 525

Fair Rents

11. This section and the *next two succeeding* sections shall be read together with and deemed part of the Fair Rents Act, 1936 (in those sections referred to as the principal Act).

This section and *next two* sections to form part of Fair Rents Act, 1936. 1936, No. 14

Husband or
wife of
deceased tenant
protected.

12. Notwithstanding any enactment or rule of law to the contrary, in any case where the tenant of a dwellinghouse to which the principal Act applies dies leaving surviving him or her a wife or husband who is in possession of the dwellinghouse and the tenancy is determined by the landlord, whether before or after the death of the tenant, the provisions of the principal Act shall apply as if the surviving wife or husband had been the tenant of the dwellinghouse. 5

Provision where
landlord is
wife or widow
of serviceman.
1942, No. 19

13. (1) Section ten of the Fair Rents Amendment Act, 1942, is hereby amended by inserting in subsection two, after the words "the landlord is not a serviceman", the words "or the wife or widow of a serviceman". 10

(2) The said section ten is hereby further amended by inserting, after subsection three, the following subsection:— 15

1937, No. 17

"(3A) Where the tenant of any dwellinghouse to which the principal Act applies is a serviceman, or the wife or widow of a serviceman, or a dependant of a serviceman, and the landlord is the wife or widow of a serviceman, nothing in section sixty-three of the Finance Act, 1937, shall apply, after the discharge or death of the last-mentioned serviceman, with respect to any application for an order for the recovery of possession of the dwellinghouse, or for the ejection of the tenant therefrom, on the ground that the premises are reasonably required by the landlord for her own occupation as a dwellinghouse, in any case where the landlord has occupied the premises as a dwellinghouse until her husband became a serviceman, whether or not she has continued to occupy the premises for any period thereafter." 20 25 30

(3) The said section ten is hereby further amended by adding the following subsection:— 35

"(5) Where the landlord of any dwellinghouse to which the principal Act applies is the wife or widow of a serviceman, and the tenant is not a serviceman, or the wife or widow of a serviceman, or a dependant of a serviceman, nothing in subsection two of section thirteen of the principal Act or in section sixty-three of the Finance Act, 1937, shall apply, after the discharge 40

or death of the first-mentioned serviceman, with respect to any application for an order for the recovery of possession of the dwellinghouse, or for the ejection of the tenant therefrom, on the ground that the premises are reasonably required by the landlord for her own occupation as a dwellinghouse, in any case where the landlord has occupied the premises as a dwellinghouse until her husband became a serviceman, whether or not she has continued to occupy the premises for any period thereafter."

Family Protection

14. (1) This section shall be read together with and deemed part of the Family Protection Act, 1908 (in this section referred to as the principal Act).

15 (2) If any person dies without leaving surviving him or her a wife or husband or any children, section thirty-three of the principal Act shall in its application to the estate of that person be read as if the words " wife, husband, or children " were omitted from sub-
20 section one wherever those words occur, and the words " mother or father " were substituted in each place.

(3) For the purposes of section thirty-three of the principal Act, as extended by the *last preceding* sub-
25 section, a person shall be deemed to be the father or mother of a deceased person notwithstanding that he or she was only related to him illegitimately, if the Court is satisfied that paternity or maternity has, during the lifetime of the deceased, been admitted by or established against the person claiming to be the father or mother
30 of the deceased.

(4) This section shall apply in all cases, whether the deceased person has died before or after the passing of this Act:

35 Provided that no distribution of any part of the estate of a deceased person that has been made before the passing of this Act shall be disturbed by reason of any application made by his father or mother under section thirty-three of the principal Act, as extended by this section, or by reason of any order made on the
40 application.

Parents may claim benefit of Family Protection Act, 1908, in certain circumstances. See Reprint of Statutes, Vol. III, p. 292

Health

Section 26 of
Health Act,
1920 (as to
nuisances),
amended.

See Reprint
of Statutes,
Vol. VI, p. 1072

15. (1) Section twenty-six of the Health Act, 1920, is hereby amended by omitting from paragraph (e) the words "or downpipe", and substituting the words "downpipe, or wall".

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(2) The said section twenty-six is hereby further amended by adding the following paragraph thereto:—

"(n) Where there exists on any land or premises any condition giving rise or capable of giving rise to the breeding of flies or mosquitoes or suitable for the breeding of other insects, or of mites or ticks, which are capable of causing or transmitting disease."

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Impounding

Recovery of
damages for
trespass from
residue of
proceeds of
pound sale.

See Reprint
of Statutes,
Vol. I, p. 213

16. (1) This section shall be read together with and deemed part of the Impounding Act, 1908 (in this section referred to as the principal Act).

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(2) If in the case of a pound sale the residue of the proceeds of the sale are not claimed by any person entitled thereto and the owner of the impounded cattle is not known to the poundkeeper or to the impounder of the cattle, or cannot be found, the impounder of the cattle, if he has not claimed any trespass rates under the principal Act, may at any time within six months after the pound sale apply to the Magistrate's Court nearest to the office of the local authority for an order that the amount of any damage sustained by the impounder of the cattle in consequence of the trespass be paid to him out of the residue of the proceeds of the sale.

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(3) Notice of the application shall be published by the applicant in some newspaper circulating in the locality not less than fourteen clear days before the time appointed for the hearing thereof and a copy of the application shall be served by the applicant on the local authority.

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(4) On the hearing of the application the Magistrate shall determine the amount of the damage sustained by the applicant in consequence of the trespass and may make an order that that amount, together with costs and disbursements, or such smaller amount as may have been paid into the District Fund as the residue of the proceeds of the pound sale, shall be paid by the local authority to the applicant.

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(5) Court fees shall be payable by the applicant, and costs and disbursements may be awarded to the applicant, on the same scale and to the same extent as if the application were an interpleader summons under the Magistrates' Courts Act, 1928. For the purpose of determining the amount of the Court fees and costs the amount ordered to be paid under the *last preceding* subsection shall be deemed to be the amount of the claim.

See Reprint of Statutes, Vol. II, p. 98

10 *Infants*

17. (1) This section shall be read together with the Infants Act, 1908 (in this section referred to as the principal Act), and shall be deemed to form part of Part III of that Act.

Provision as to consent to adoption where no parent or guardian.

15 (2) Notwithstanding the provisions of section eighteen of the principal Act, if the Judge making an order of adoption of any child is satisfied that both the parents of the child are dead and that there is no legal guardian of the child, he may dispense with the consents required by paragraph (e) of subsection one of that section:

Ibid., Vol. III, p. 1073

20 Provided that in any such case the Judge shall be satisfied that the Superintendent of the Child Welfare Branch of the Department of Education consents to the adoption.

25 *Juries*

18. (1) This section shall be read together with and deemed part of the Juries Act, 1908 (in this section referred to as the principal Act).

Notices concerning jury lists not to be placed on church doors.

30 (2) Section sixteen of the principal Act is hereby amended by omitting from subsection one the words "on the first and second Sundays in March", and substituting the words "on or before the seventh day of March".

Ibid., Vol. IV, p. 399

35 (3) The said section sixteen is hereby further amended by repealing paragraph (b) of subsection one and substituting the following paragraph:—

"(b) Of every police-station within the limits mentioned in the said warrant."

40 (4) The form in the Second Schedule to the principal Act is hereby consequentially amended as follows:—

45 (a) By omitting the words "the first Sunday in March", and substituting the words "the seventh day of March":

- (b) By omitting the words " on the first and second Sundays of the said month of ", and substituting the words " on or before the said seventh day of ":
- (c) By omitting the words " every church, chapel, or other public place of religious worship ", and substituting the words " every police-station ".

Law Practitioners

District Law Society may apply to have bills of costs taxed.

See Reprint of Statutes, Vol. IV, p. 1060

19. (1) This section shall be read together with and deemed part of the Law Practitioners Act, 1931 (in this section referred to as the principal Act). 10

(2) Notwithstanding anything contained in sections twenty to thirty-seven of the principal Act, any District Law Society may, either at the request of a party chargeable or without any such request, refer any bill of costs rendered by a solicitor in respect of fees, charges, or disbursements for any business done by the solicitor to a Registrar to be taxed and settled: 15

Provided that no such reference as aforesaid shall be made in respect of any bill that has been previously taxed and settled or after a verdict or judgment has been obtained in any action for the recovery of the amount of the bill. 20

(3) Forthwith after referring any bill of costs to a Registrar for taxation the District Law Society shall give notice thereof to the solicitor concerned. 25

(4) Subject to the provisions of section thirty-seven of the Law Practitioners Amendment Act, 1935, no action for the recovery of the amount of any such bill of costs so referred to the Registrar shall be commenced or proceeded with until after the taxation has been completed. 30

(5) The Court fees payable in respect of the taxation shall be payable by the District Law Society: 35

Provided that if the amount of the bill when taxed is less than five-sixths of the amount of the bill when referred for taxation, the amount of the Court fees shall be recoverable by the District Law Society from the solicitor as a debt due by the solicitor. 40

(6) Except as provided in the *last preceding* subsection, no costs shall be payable by either party to the taxation.

(7) If either the solicitor or the District Law Society is dissatisfied with the taxation of the bill of costs by the Registrar, the solicitor or the District Law Society, as the case may be, may, within fourteen days after the Registrar has completed the taxation, apply to a Judge to review the taxation and thereupon the Judge may make such order varying the taxation as he may consider fair and reasonable.

(8) For the purposes of this section, the term "solicitor" includes the executor, administrator, or assign of a solicitor.

20. (1) This section shall be read together with the Law Practitioners Act, 1931 (in this section referred to as the principal Act), and shall be deemed to form part of Part I of the Law Practitioners Amendment Act, 1935.

(2) Notwithstanding anything to the contrary in section forty-three of the principal Act, in any case where a barrister or a solicitor is an undischarged bankrupt or has neglected to apply for a certificate for two years after the expiration of the certificate last issued to him, he must give to the Registrar not less than two months' notice of his intention to apply for a certificate:

Provided that any period during which a barrister or a solicitor has been rendering continuous service as a member of any of His Majesty's Naval, Military, or Air Forces after the expiration of the certificate last issued to him shall not be taken into account for the purposes of this subsection.

(3) The Registrar shall immediately refer any such notice to the Council of the New Zealand Law Society, which may in its discretion refer the matter to the Disciplinary Committee for decision or may authorize the Registrar to issue the certificate immediately, subject to the payment of the prescribed fees and levies (if any).

Practising
certificates may
be refused in
certain cases.
See Reprint
of Statutes,
Vol. IV, p. 1060
1935, No. 20

(4) If the Disciplinary Committee is satisfied that the barrister or solicitor is not of good character or is not a fit and proper person to practise as a barrister or solicitor, as the case may be, it may make an order prohibiting the Registrar from issuing a certificate to him and the Registrar shall be bound thereby. 5

(5) The Disciplinary Committee shall not make an order under this section with respect to any barrister or solicitor without giving him a reasonable opportunity of being heard in his own defence. 10

Mortgagors and Lessees Rehabilitation

21. (1) This section shall be read together with and deemed part of the Mortgagors and Lessees Rehabilitation Act, 1936.

(2) If any order of the Court of Review is registered in respect of any property under the Land Transfer Act, 1915, the Deeds Registration Act, 1908, the Chattels Transfer Act, 1924, or any other Act and the District Land Registrar, Registrar of Deeds, Registrar of the Supreme Court, or other person charged with the duty of keeping the register concerned is satisfied— 15 20

(a) That any property in respect of which the order was registered was, at the time of registration of the order, not affected by the order; or 25

(b) That in respect of any property in respect of which the order is registered the order has expired or is spent or otherwise of no effect— he may cancel the registration of the order in respect of that property: 30

Provided that, unless all persons appearing to him to be entitled to any claim under the order agree to the cancellation of the registration the Registrar or other person charged with the duty of keeping the register concerned shall give at least one month's notice of his intention to cancel the registration to all those persons, or shall give at least one month's notice of his intention in the *Gazette* and in some newspaper circulating in the locality where the property is situated. 35

(3) Any person claiming an interest under the order may before the expiration of the notice aforesaid apply to the Supreme Court or a Judge thereof for an order restraining the Registrar or other person aforesaid 40

Cancellation of registration of orders of Court of Review when property no longer affected.
1936, No. 33
See Reprint of Statutes, Vol. VII, pp. 1162, 1143;
Vol. I, p. 632

from cancelling the registration as provided in the *last preceding* subsection. Notice of the application shall be served by the applicant on the Registrar or other person before the expiration of the notice aforesaid and the
 5 Registrar or other person shall thereupon refrain from cancelling the registration of the order of the Court of Review pending the determination of the application, and shall be bound by any order made upon the application.

10 *Municipal Association*

22. Section seven of the Municipal Association Act, 1939, is hereby amended by omitting from subsection two the words " one hundred pounds ", and substituting the words " two hundred pounds ".

Section 7 of
 Municipal
 Association
 Act, 1939,
 amended.
 1939, No. 16

15 *New Zealand University*

23. (1) This section shall be read together with and deemed part of the New Zealand University Act, 1908 (in this section referred to as the principal Act).

(2) Notwithstanding that any student has failed to
 20 comply with any of the provisions of the principal Act or any other Act or of the statutes or regulations of the University of New Zealand or of any constituent college or of the New Zealand School of Agriculture (whether as to keeping terms or passing, or offering
 25 himself for, any examination or test or otherwise), the Senate may in its discretion, either unconditionally or upon or subject to such conditions as it thinks fit, confer on, or award or grant to, that student any
 30 degree, diploma, certificate of proficiency, scholarship, prize, bursary, or exhibition, or declare that he has passed in any section or subject, if the Senate is satisfied that he has been prevented from complying with all or any of those provisions, or has been other-
 35 wise prejudicially affected, by reason of the fact that, whether before or after the passing of this Act, he has been engaged in naval, military, or air service, or in special civilian war service.

Power for
 Senate to grant
 concessions
 to students
 prejudiced by
 war service.
 See Reprint
 of Statutes,
 Vol. II, p. 1121

(3) This section shall continue in force until the expiration of five years from the termination of the
 40 present war, and shall then expire.

(4) Section fifty-three of the Statutes Amendment Act, 1939, is hereby repealed.

Repeal.
 1939, No. 39

Pharmacy

Pharmaceutical
Society may
establish a
school of
pharmacy.
1939, No. 33

24. (1) This section shall be read together with and deemed part of the Pharmacy Act, 1939 (in this section referred to as the principal Act).

(2) The Pharmaceutical Society of New Zealand 5 may establish, develop, and maintain one or more schools, colleges, or like institutions for the education and training of apprentices, students of pharmacy, and chemists.

(3) The Board may from time to time appoint and 10 remove teachers, lecturers, officers, and servants of any school, college, or institution which is being maintained under this section.

(4) The authority to make rules conferred on the Board by section ten of the principal Act is hereby 15 extended to authorize the making of rules for the regulation and good government of any such school, college, or institution as aforesaid.

(5) The Board may from time to time delegate to any person or persons any of its powers in relation to 20 the management and control of any such school, college, or institution as aforesaid. Every such person shall be subject in all things to the control of the Board and shall act in accordance with all directions, general or special, given to him by the Board. 25

(6) Notwithstanding anything to the contrary in paragraph (a) of subsection one of section eleven of the principal Act, regulations may be made under section forty-four of that Act requiring that before 30 the Board issues a certificate of competency of the kind referred to in the said paragraph (a) the Board shall be satisfied that the person applying for the certificate has attended a school, college, or other institution maintained under this section for such period or periods as 35 may be prescribed by the regulations:

Provided that the regulations aforesaid shall not apply to any person who has commenced serving under articles of apprenticeship before a date to be specified in the regulations, being a date not earlier than the date of the coming into force of the regulations: 40

Provided also that the regulations may authorize the Board to grant exemptions from any of the requirements thereof.

Public Reserves, Domains, and National Parks

25. (1) This section shall be read together with the Public Reserves, Domains, and National Parks Act, 1928 (in this section referred to as the principal Act), and shall be deemed to form part of Part III of that Act.

National Park Boards may grant leases of special areas set apart for purpose.

See Reprint of Statutes, Vol. VI, p. 1161

(2) Any National Park Board may, with the consent of the Governor-General, set apart leasing-areas within the park.

(3) The Board may, with the consent of the Minister and on such terms as he may approve, grant licenses for grazing purposes or leases affecting the whole or any part of any leasing-area so set apart and may, with the like consent and on such terms as the Minister may approve, accept surrenders of any such licenses or leases.

Rehabilitation

26. Section two of the Rehabilitation Act, 1941, is hereby amended by omitting from paragraph (d) of the definition of the term "serviceman" in subsection one the words "or an intercolonial-trading ship".

Seamen on intercolonial ships included in term "serviceman". 1941, No. 25

Small Farms

27. This section and the next two succeeding sections shall be read together with and deemed part of the Small Farms Act, 1932-33 (in those sections referred to as the principal Act).

This section and next two sections to form part of Small Farms Act, 1932-33. 1932-33, No. 43

28. (1) For the purposes of the principal Act, unless the context otherwise requires,—

"Discharged serviceman" means a serviceman who has received his discharge from any of His Majesty's Forces or, as the case may be, a serviceman who has ceased to serve in any British ship (whether before or after the passing of this Act):

Extending definition of term "discharged serviceman".

"Serviceman" means any person who, while ordinarily resident in New Zealand, has at any time during the present war (whether before or after the passing of this Act)—

(a) Served outside New Zealand as a member of any of His Majesty's Naval, Military, or Air Forces; or

(b) Served in New Zealand as a member of the training staff of any of His Majesty's Forces; or

(c) Served in New Zealand as a member of any of His Majesty's Permanent Forces, or as a member of any of His Majesty's Forces mobilized for continuous service within New Zealand; or

5

(d) Served in any capacity in any British ship which while he was serving therein was damaged or destroyed as a result of enemy action, or in any other British ship which was not a home-trade ship within the meaning of the Shipping and Seamen Act, 1908.

See Reprint of Statutes, Vol. VIII, p. 249
1940, No. 28
1942, No. 18

(2) Section two of the Small Farms Amendment Act, 1940, as amended by section thirty-three of the Statutes Amendment Act, 1942, is hereby further amended by repealing the definition of the term "discharged serviceman".

15

(3) Section thirty-three of the Statutes Amendment Act, 1942, is hereby amended by repealing subsection two.

Special provision with respect to leases to discharged servicemen.
1939, No. 21
1935, No. 9

29. (1) Notwithstanding anything to the contrary in subsection six of section five of the Small Farms Amendment Act, 1939, or in any lease granted under that section or under section eight of the Small Farms Amendment Act, 1935, in any case where a discharged serviceman is the lessee under any such lease, whether the lease has been originally granted to him or has been transferred to him, the yearly rental payable thereunder,—

25

(a) For the period of one year commencing from the prescribed half-yearly day next after he became lessee, shall be an amount equal to two per centum of the amount determined by the Board to be the unimproved value of the land comprised in the lease as at the commencement of the lease:

35

(b) For each of the next two years during which the discharged serviceman is lessee, shall be an amount equal to three per centum of the amount of the aforesaid unimproved value:

(c) For every subsequent year during which the discharged serviceman is lessee, shall be an amount equal to four per centum of the amount of the aforesaid unimproved value.

40

(2) Notwithstanding the foregoing provisions of this section the Board, in any case where it considers it expedient or desirable so to do, may from time to time accept any amount not less than two per centum

45

of the amount of the aforesaid unimproved value in full satisfaction and discharge of the liability of any discharged serviceman for yearly rental under any such lease as aforesaid in any year ending not later
5 than seven years after the prescribed half-yearly day next after the discharged serviceman became lessee.

(3) In the case of a lease granted to a discharged serviceman, the rental for the period from the date of the lease to the prescribed half-yearly day next
10 following that date shall be at the same rate as the rental for the period of one year referred to in paragraph (a) of subsection *one* hereof.

(4) In any case where a discharged serviceman transfers his interest in any lease granted under section
15 eight of the Small Farms Amendment Act, 1935, or under section five of the Small Farms Amendment Act, 1939, to a person other than a discharged serviceman, the foregoing provisions of this section shall cease to apply in respect of the yearly rental payable under the
20 lease, and, notwithstanding anything to the contrary in the lease, the provisions of subsection six of section five of the Small Farms Amendment Act, 1939, shall, subject to the provisions of the *next succeeding* subsection, apply in respect of the yearly rental payable under the
25 lease.

(5) In any case where a discharged serviceman transfers his interest in any such lease as aforesaid to any other person, whether a discharged serviceman or not, or a person other than a discharged serviceman
30 transfers his interest in any such lease as aforesaid to a discharged serviceman, the yearly rental payable under the lease shall, from the prescribed half-yearly day next following the date of approval of the transfer, be a rental determined in accordance with the foregoing
35 provisions of this section.

(6) If any discharged serviceman dies while he is a lessee under any such lease as aforesaid and his interest in the lease is acquired by his widow, or by any of his children, or by his father or mother, the
40 provisions of this section shall apply as if the discharged serviceman still remained the lessee under the lease.

(7) In any case where a discharged serviceman has at any time after the passing of this Act been a lessee
45 under any such lease as aforesaid and he subsequently becomes a lessee under any other such lease, he shall in

respect of that other lease be deemed for the purposes of this section not to be a discharged serviceman unless the Minister on the recommendation of the Board determines otherwise.

(8) In any case where pursuant to the provisions of this section a variation is made in the yearly rental payable under any lease the District Land Registrar shall, upon the receipt of a certificate signed by the Commissioner of Crown Lands setting forth particulars of the variation, endorse without fee on the registered instrument of lease a memorial of the certificate.

Wool Industry Promotion

Retirement by rotation of wool-growers' representatives on Wool Council.
1936, No. 48

30. (1) This section shall be read together with and deemed part of the Wool Industry Promotion Act, 1936 (in this section referred to as the principal Act).

(2) With respect to the four members of the Council appointed pursuant to paragraph (b) of subsection two of section three of the principal Act and in office on the passing of this Act the following provisions shall apply:—

(a) Two of such members shall retire on the thirtieth day of September, nineteen hundred and forty-three, and the remaining two members shall continue in office until the thirtieth day of September, nineteen hundred and forty-four, and shall then retire:

(b) The members so to retire on the thirtieth day of September, nineteen hundred and forty-three, shall be determined by agreement of the four members or, failing agreement, shall be determined by lot:

(c) Each of the members retiring as provided in this subsection shall be eligible for reappointment.

(3) Subject to the provisions of subsection five of section three of the principal Act, every member of the Council (other than the associate members) appointed after the passing of this Act shall hold office for a term of two years, but may from time to time be reappointed.

(4) Subsection four of section three of the principal Act is hereby repealed.

Repeal.