

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

House of Representatives,

5th December, 1945

Hon. Mr. Mason

STATUTES AMENDMENT

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A BILL INTITULED

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

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

- 5 1. This Act may be cited as the Statutes Amendment Act, 1945. Short Title.

Acts Interpretation

Regulations
not invalid
because of
discretionary
authority.
See Reprint
of Statutes,
Vol. VIII,
p. 568

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

(2) No regulation shall be deemed to be invalid on the ground that it delegates to or confers on the Governor-General or on any Minister of the Crown or on any other person or body any discretionary authority.

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Administration

Letters of
administration
may be
obtained by a
trust company.
See Reprint
of Statutes,
Vol. III, p. 128
Cf. 15 & 16
Geo. V, c. 49,
s. 161 (Imp.)
See Halsbury's
Statutes of
England,
Vol. VIII,
p. 372

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

(2) In this section "trust company" means a company which is by Act of Parliament authorized to apply for and obtain probate of the will of a deceased person.

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(3) Notwithstanding anything to the contrary in any Act of Parliament aforesaid, any trust company shall be entitled to apply for and obtain letters of administration of the estate of a deceased person, either with or without the will annexed, and to perform and discharge all other the acts and duties of an administrator as fully and effectually as a private individual may do when granted letters of administration. Nothing in section twenty-one of the principal Act shall apply in respect of the grant of administration to a trust company.

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(4) Letters of administration shall not be granted to a syndic or nominee on behalf of a trust company.

(5) In any case in which a trust company is empowered to apply for letters of administration of the estate of a deceased person it shall be lawful for the Court in which, or the officer before whom, the application is made to receive and act upon an affidavit made by a director or by the manager or secretary of the company in place of any affidavit required by the said Court to be made by any person making application for letters of administration.

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(6) Where, at the commencement of this Act, any interest in any estate is vested in a syndic on behalf of a trust company acting as administrator under letters of administration of a deceased person, that
5 interest shall, by virtue of this Act, vest in the trust company and the syndic shall be kept indemnified by the company in respect of that interest.

(7) The *last preceding* subsection shall not apply to securities registered or subscribed in the name of the
10 syndic or to any estate or interest in land registered under the Deeds Registration Act, 1908, or under the Land Transfer Act, 1915, in the name of the syndic, but any such securities or estate or interest in land shall be transferred by the syndic to the trust company
15 or as it shall direct.

See Reprint
of Statutes,
Vol. VII,
pp. 1143, 1162

(8) This section shall have effect whether the testator or the intestate died before or after the commencement of this Act, and no such vesting or transfer as aforesaid shall operate as a breach of any covenant
20 or conditions against alienation or give rise to forfeiture.

Agricultural Workers

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

25 (2) Where proposals for the extension to any specified class of agricultural workers of the provisions of Part III of the principal Act have been duly submitted, as required by subsection two of section twenty of that Act, to organizations of the workers of that class and
30 to organizations of their employers, but the organizations have been unable to reach agreement on the proposals, the matters in dispute may be referred by any such organization as aforesaid to the Court of Arbitration in order that a recommendation may be obtained in
35 respect of those matters.

(3) The Court of Arbitration may hear representations in relation to the proposals and the matters in dispute and may make a recommendation to the Minister of Labour thereon.

Extension of
Part III of
Agricultural
Workers Act,
1936, on
recommendation
of Court of
Arbitration.
1936, No. 30

See Reprint
of Statutes,
Vol. I, p. 346

(4) In the exercise of the powers conferred upon it by this section the Court of Arbitration shall be deemed to act in the capacity of an arbitrator rather than in its ordinary judicial capacity, but nothing in the Arbitration Act, 1908, shall apply and nothing in this section shall be construed to limit the powers of the Court in the exercise of its functions for the purpose of this section. 5

(5) The validity of any Order in Council made in accordance with the proposals of the Minister of Labour and the recommendation of the Court of Arbitration thereon shall not be questioned on the ground that any of the provisions of the said Part III have in their application to workers of the class referred to therein been varied in any particular, or on the ground that any of the provisions of the Order in Council relate to matters that are not provided for in the said Part. 10 15

(6) A recital in any such Order in Council that the provisions contained therein are in accordance with the proposals of the Minister and the recommendation of the Court thereon shall be conclusive evidence of the facts so recited. 20

Chattels Transfer

Registration
fee on
transfers of
instruments by
way of
security.
See Reprint
of Statutes,
Vol. I, p. 655

5. Section fifty-six of the Chattels Transfer Act, 1924, is hereby amended by adding the following subsection as subsection two:— 25

“(2) There shall be paid to the Registrar upon the registration of every transfer of an instrument by way of security a fee amounting to five shillings in respect of each instrument transferred.” 30

Child Welfare

Authorizing
taking of
land for
child-welfare
institutions.
See Reprint
of Statutes,
Vol. III,
p. 1094
Ibid.,
Vol. VII, p. 622

6. Section eight of the Child Welfare Act, 1925, is hereby amended by adding to subsection one the words “or any private land may for the purposes aforesaid be taken or otherwise acquired as for a public work under the Public Works Act, 1928, and the provisions of that Act shall, with the necessary modifications, apply accordingly”. 35

Coal-mines

Sections to be
read with
Coal-mines
Act, 1925.
See Reprint
of Statutes,
Vol. V, p. 843

7. This section and the next *three succeeding* sections shall be read together with and deemed part of the Coal-mines Act, 1925 (in those sections referred to as the principal Act). 40

8. Section seventy-nine of the principal Act is hereby amended by adding to subsection one the following new paragraph:—

Additional matters to be shown on coal-mine plans.

5 “(e) The floor-levels of all drives and installations in the mine, in relation to a datum-level at the surface, at stations not more than one hundred feet apart, and at permanent benchmarks, established throughout the mine, not more than three hundred feet apart.”

10 9. (1) This section shall be deemed part of Part III of the principal Act.

Minister may acquire and hold shares or stock in companies. 1933, No. 29

(2) The Minister may from time to time acquire and hold shares or stock in the capital of any company registered under the Companies Act, 1933.

15 (3) The Minister may authorize such person as he thinks fit to act as his representative at any meeting of any company in the capital of which he holds shares or stock, or at any meeting of any class of members of the company, and any person so authorized shall be
20 entitled to exercise on behalf of the Minister the same powers as the Minister is entitled to exercise as a member of the company.

(4) Notwithstanding anything in the Companies Act, 1933, all shares or stock held by the Minister under this
25 section, and all rights, liabilities, and obligations attaching thereto, shall vest in and be imposed upon and bind his successors in office without the necessity of any transfer, and no such liability or obligation shall continue to be imposed upon or bind the Minister and his
30 successors after they respectively cease to hold office.

10. (1) Section one hundred and seventy-one of the principal Act is hereby amended by omitting from subsection two the words “and shall be disposed of as the Governor-General directs”.

Minister may sell or otherwise dispose of lands exempted from Part III of principal Act.

35 (2) The said section one hundred and seventy-one is hereby further amended by adding thereto the following new subsections:—

40 “(3) Where any lands are exempted as aforesaid the Minister may sell or otherwise dispose of the lands or any part thereof in such manner and on such terms as he thinks fit.

“(4) Where any mine is exempted as aforesaid the mine shall be disposed of as the Governor-General directs.”

Companies

Dairy
companies
authorized to
maintain
veterinary
services.
1933, No. 29

11. Section eighteen of the Companies Act, 1933, is hereby amended by inserting, after paragraph (a), the following new paragraph:—

“(aa) To maintain a veterinary service for the benefit of the members of the company or to expend any part of the funds of the company in or towards the maintenance of any veterinary service which may be of benefit to the members of the company:”

Amending
requirements
as to annual
returns.

12. Section one hundred and seventeen of the Companies Act, 1933, is hereby amended by repealing subsections one and two, and substituting the following subsections:—

“(1) Every company having a share capital shall once at least in every year make a return containing the particulars hereinafter referred to:

“Provided that a company shall not be required to make a return under this section in the year in which it delivers a statutory report to the Registrar pursuant to section one hundred and twenty-one of this Act, unless in that year it holds an ordinary general meeting.

“(2) The return shall contain a list showing particulars of all shares transferred since the date of the last return or, in the case of the first return, of the incorporation of the company, stating the names, addresses, and descriptions of transferors and transferees, the number of shares transferred under each transfer, and the dates of registration of the transfers and, in the case of the first return made after the coming into force of this subsection and thereafter at least in every third year, the list must also state the names, addresses, and descriptions of all persons who, on the fourteenth day after the first or only ordinary general meeting in that year, are members of the company and the number of shares held by each; and, if the names therein are not arranged in alphabetical order, must have annexed to it an index sufficient to enable the name of any person in the list to be readily found:

“Provided that, where the company has converted any of its shares into stock and given notice of the conversion to the Registrar, the list must state the amount of stock held by each of the existing members therein mentioned instead of the amount of shares.”

Cook Islands

13. (1) This section shall be read together with and deemed part of the Cook Islands Act, 1915 (in this section referred to as the principal Act).

Leases for public purposes or church purposes.

See Reprint of Statutes, Vol. II, p. 658

5 (2) In this section the expression "church purposes" means the provision for the benefit of the adherents of some Christian denomination of a site for a place of worship, or for a pastor's house, or for a school conducted by the denomination, or for houses
10 for pupils or teachers of such a school.

(3) Notwithstanding anything contained in section four hundred and sixty-nine of the principal Act it shall be lawful for a Native, subject to the provisions of this section and to the other provisions contained in
15 Part XVI of the principal Act, to alienate Native freehold land by way of lease for public purposes or for church purposes for any term not exceeding sixty years, with a perpetual right of renewal:

20 Provided that no period of renewal shall exceed sixty years.

(4) Every such lease as aforesaid and every renewal thereof shall be expressed to be for public purposes or for church purposes within the meaning of this section.

25 (5) If at any time the land affected by any lease authorized by this section, or any renewal thereof, shall cease to be used exclusively for public purposes or for church purposes, as the case may be, any Native entitled to any interest in the land may make applica-
30 tion to the Native Land Court for an order terminating the lease then in force, and if the Court is satisfied that the land is no longer used exclusively for public purposes or for church purposes, as the case may be, it may make an order terminating the lease then in force, and thereupon the interest of the lessee in the
35 land and under the lease shall cease and determine, but without prejudice to any liability of the lessee in respect of the breach or non-observance before the date of the order of any covenant, condition, or stipulation contained or implied in the lease.

Counties

Sections to be read with Counties Act, 1920.

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

14. This section and the next *three succeeding* sections shall be read together with and deemed part of the Counties Act, 1920 (in those sections referred to as the principal Act).

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County Council may contribute to maintenance of public libraries, &c., beyond the county boundaries.

15. Section one hundred and ninety-eight of the principal Act is hereby amended by adding to subsection one the words "or for the purpose of maintaining or otherwise aiding any such institution as aforesaid situated outside those boundaries and not conducted for the purpose of private profit".

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Authorizing County Councils to prepare and publish certain publications.

16. Any County Council may, with the prior approval of the Minister of Internal Affairs, from time to time prepare and publish handbooks, abstracts, or other publications containing information and matters of interest in relation to the history, administration, or affairs of the county.

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Authorizing County Councils to make by-laws defining stock routes and regulating the driving of stock.

17. The Second Schedule to the principal Act is hereby amended by repealing paragraph seven thereof, and substituting the following paragraph:—

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"(7) Prescribing the routes by which and the times when loose horses, cattle, sheep, pigs, or other animals may be driven along the roads within the county; and prohibiting the driving of such loose animals along any of the roads in the county, otherwise than at the times and by the routes so prescribed, except with the permission of the Council and on such conditions as the Council thinks fit."

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Crown Suits

Sections to be read with Crown Suits Act, 1908.

See Reprint of Statutes, Vol. II, p. 550

18. This section and the *next five succeeding* sections shall be read together with and deemed part of the Crown Suits Act, 1908 (in those sections referred to as the principal Act).

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Interpretation.

19. For the purposes of the *next three succeeding* sections, and for the purposes of the principal Act, unless the context otherwise requires,—

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"Member", in relation to any visiting force, includes a member of any other force who is attached to the first-mentioned force:

5 “Service aircraft” means any aircraft within the meaning of the Air Navigation Act, 1931, which is being used exclusively for the purposes of any of His Majesty’s New Zealand Naval, Military, or Air Forces or, as the case may be, any visiting force:

See Reprint of Statutes, Vol. I, p. 424

10 “Visiting force” means any military, naval, or air force of any country other than New Zealand which has been granted a right of entry into or passage through or over New Zealand.

20. (1) For the purpose of determining the existence of a cause of action against His Majesty under the Crown Suits Amendment Act, 1910, every member of His Majesty’s New Zealand Naval, Military, or Air Forces shall be deemed to be a servant of His Majesty.

Members of His Majesty’s Forces declared to be servants of His Majesty for purposes of principal Act.

See Reprint of Statutes, Vol. I, p. 566

20 (2) Section five of the Crown Suits Amendment Act, 1910, is hereby amended by repealing paragraph (c) of subsection one.

Repeal.

(3) The Crown Suits (Service Motor-vehicles) Emergency Regulations 1942 and the Crown Suits (Services Aircraft) Emergency Regulations 1945 are hereby revoked.

Serial numbers 1942/278, 1945/104

25 21. (1) Any person who is resident in New Zealand and who has or deems himself to have any just claim or demand against a member of any visiting force or against a person acting for or on behalf of any visiting force (not being a claim or demand arising out of any contract or agreement or the breach or alleged breach of any contract or agreement) shall be entitled to make against His Majesty any claim which he would have been entitled to make under Part II of the principal Act as amended by the Crown Suits Amendment Act, 1910, and by the *last preceding* section, if the member or the person so acting had been a member of any of His Majesty’s New Zealand Naval, Military, or Air Forces, and for the like amount (if any) and in the like form and manner as the amount, form, and manner of the claim that he would have been entitled to make as aforesaid.

Claims against members of visiting forces may be made under principal Act.

(2) In respect of any claim made under this section His Majesty shall have, in relation to the person making the claim, the same rights and liabilities as His Majesty would have had if the member of the visiting force or, as the case may be, the person acting for or on behalf of the visiting force had been a member of His Majesty's New Zealand Naval, Military, or Air Forces. 5

(3) For the purposes of this section all persons who by the law of the country to which any visiting force belongs are for the time being subject to the military law or, as the case may be, the naval or air force law of that country shall be deemed to be members of the visiting force. 10

(4) For the purposes of any proceedings to enforce a claim made under this section a certificate issued by or on behalf of such authority as may be appointed for the purpose by the Government of the country to which any visiting force belongs stating that a person of the name and description specified in the certificate is, or was at a time so specified, subject to the military, naval, or air force law of that country shall be conclusive evidence of that fact. 20

(5) If in any proceedings as aforesaid the question is raised whether any person whose name appears in or in connection with the proceedings is or was at any time a member of any visiting force, any such certificate as aforesaid relating to a person bearing that name shall, unless the contrary is proved, be deemed to relate to that person. 30

(6) Any document purporting to be a certificate issued for the purposes of this section and to be signed by or on behalf of an authority described as appointed by the Government of any country for the purposes of this section shall be received in evidence and shall, unless the contrary is proved, be deemed to be a certificate issued by or on behalf of an authority so appointed. 35

Provisions
applying to
claims under
the two
preceding
sections.

22. (1) The fact that any person—

(a) Has (before the passing of this Act) made a claim or demand in respect of any cause of claim or demand against His Majesty or, as the case may be, a member of any visiting force; and 40

(b) Has received or is entitled to receive, whether from His Majesty or from any other person or authority, any payment in satisfaction, wholly or partly, of the claim or demand,—

5 shall not disentitle the first-mentioned person to make any claim which, by virtue of either of the *last two preceding* sections, he may be entitled to make in respect of that cause, but, in the determination of a claim made, after the passing of this Act, by any such person in
10 respect of that cause, regard shall be had to any such payment which that person has received or is entitled to receive.

(2) Where any claim is made against His Majesty in respect of any damage, loss, or injury sustained
15 or alleged to have been sustained by or through or in connection with the use of any service aircraft, the provisions of section seven of the Air Navigation Act, 1931, shall, notwithstanding anything in section twelve of that Act, apply with respect to the aircraft.

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

20 (3) The time prescribed by section thirty-seven of the principal Act for the commencement of proceedings to enforce a claim shall be deemed to be extended to twelve months after the passing of this Act in the case of any claim under or by virtue of either of the
25 *last two preceding* sections where the cause of the claim arose before the passing of this Act but not earlier than the *first day of January*, nineteen hundred and forty-two.

30 **23.** (1) Section thirty-six of the principal Act is hereby amended by omitting the words " he may apply to a Law Officer for his consent to the hearing and determination of such claim and demand in any such Court to be named in the application; and, if such consent is given ".

Consent of
Law Officer
not required
to proceedings
in inferior
Court.

35 (2) For the purposes of section thirty-six of the principal Act as amended by the *last preceding* subsection paragraph (h) of section twenty-seven of the Magistrates' Courts Act, 1928, shall extend and apply in the same manner as it applies in respect of claims
40 between subject and subject.

See Reprint
of Statutes,
Vol. II, p. 106

Education

Applying
Public Works
Act, 1928, to
Massey and
Canterbury
Agricultural
Colleges.

See Reprint
of Statutes.
Vol. II, p. 1086

24. Part I of the Eleventh Schedule to the Education Act, 1914, is hereby amended by adding the following names:—

“ The Massey Agricultural College. 5

“ The Canterbury Agricultural College.”

Fair Rents

Exemption of
certain
agreements
from provisions
of Act.
1936, No. 14

25. (1) This section shall be read together with and deemed part of the Fair Rents Act, 1936 (in this section referred to as the principal Act). 10

(2) Where the occupier of any dwellinghouse agrees to let any part thereof to a serviceman as a separate dwelling, the landlord and the tenant by agreement in writing approved for the purposes of this section by an Inspector of Factories before the tenancy commences, may agree that the principal Act shall not apply to the premises so let or to any part thereof in respect of that tenancy or of any subletting by the tenant, and every such agreement shall have effect according to its tenor. 15 20

(3) Any such agreement shall be exempt from stamp duty.

(4) The fact that any such agreement has been approved in writing for the purposes of this section by an Inspector of Factories shall be conclusive evidence that the tenant is a serviceman and that the agreement has been duly made under this section. 25

Serial number
1945/106

(5) This section is in substitution for the Fair Rents Emergency Regulations 1945, and those regulations are accordingly hereby revoked: 30

Provided that all agreements and approvals that originated under the said regulations and are subsisting and in force on the passing of this Act shall enure for the purposes of this section as fully and effectually as if they had originated under this section, and accordingly shall, where necessary, be deemed to have so originated. 35

Government Railways

Sections to
form part of
Government
Railways Act,
1926.

See Reprint
of Statutes,
Vol. VII,
p. 812

26. This section and the next two succeeding sections shall be read together with and deemed part of the Government Railways Act, 1926. 40

27. (1) If, in the opinion of the General Manager, the special nature of the functions or duties attaching to any position makes it necessary or desirable that any member of the First Division of the Department occupying or appointed to that position should be advanced to a higher grade out of the usual course, the General Manager may by official circular declare the advancement to be special promotion.

Seniority of members receiving special promotion.

(2) In addition to the matters mentioned in section twenty-three of the Government Railways Amendment Act, 1944, regulations may be made under that section prescribing rules as to the determination, for the purposes of section five of the Government Railways Amendment Act, 1927, of the seniority of members of the Department who have received advancement by way of special promotion as aforesaid in relation to other members of the Department, whether the other members have received any such advancement as aforesaid or not.

1944, No. 2

See Reprint of Statutes, Vol. VII, p. 876

(3) Notwithstanding anything to the contrary in section eleven of the Government Railways Amendment Act, 1927, a member who has received advancement by way of special promotion as aforesaid shall have a right of appeal, to the same extent as if he had not been specially promoted, against the appointment of any other member to a position the nature of which in the opinion of the General Manager requires that the occupant shall possess a particular examination qualification possessed by the first-mentioned member but not required for the occupancy of the position then occupied by him.

(4) Nothing in this section shall be deemed to deprive any member of any right of appeal conferred by subsection seven of the said section five.

28. (1) In addition to the matters mentioned in section twenty-three of the Government Railways Amendment Act, 1944, regulations may be made under that section providing that membership of a service organization shall be a condition of employment or of continued employment in the Department of employees other than administrative officers, and making such provisions as may be deemed necessary or expedient in relation thereto.

Compulsory membership of service organizations.

(2) Every person who is obliged to become a member of any service organization under regulations made pursuant to this section shall be entitled to become a member of that service organization on application made in accordance with its rules, and, in so far as the rules of any service organization are inconsistent with the provisions of this subsection, they shall be of no effect. 5

(3) The Minister may exempt, either unconditionally or upon or subject to such conditions as the Minister thinks fit, any employee or class of employees from the provisions of any regulations made pursuant to this section. 10

(4) Notwithstanding anything to the contrary in any other Act, in any case where any employee fails to apply for membership of a service organization as required by any such regulations as aforesaid or in any case where an employee who is a member of a service organization fails to pay any fees due by him as a member thereof to the organization, the Minister may authorize to be deducted from the salary or wages of the employee, and paid to the organization, the amount of the fees which would have been payable by the employee if he had become a member of the organization or, as the case may be, the amount of the fees owing by him as a member of the organization. 25

Hanmer Crown Leases

Sections to be read with Hanmer Crown Leases Act, 1928.

See Reprint of Statutes, Vol. IV, p. 855

Right of conversion of leases under section 366 of Land Act, 1924, to leases under Public Bodies' Leases Act, 1908.

See Reprint of Statutes, Vol. IV, p. 790
Ibid., p. 1031

29. This section and the *next two succeeding* sections shall be read together with and deemed part of the Hanmer Crown Leases Act, 1928 (in those sections referred to as the principal Act). 30

30. (1) The owner of any lease of Crown land within the Hanmer Town Area granted pursuant to section three hundred and sixty-six of the Land Act, 1924, or the corresponding provisions of any former Land Act may at any time during the currency of the lease apply to the Commissioner for leave to surrender his lease and receive in exchange therefor a lease in accordance with the provisions of paragraph (g) of section five of the Public Bodies' Leases Act, 1908, of the whole or of portion of the land comprised in the lease proposed to be surrendered. 35 40

(2) The Land Board for the Canterbury Land District may, with the consent of the Minister of Lands, approve of the acceptance of a surrender of any lease to which this section applies, and of the granting of a
 5 new lease in accordance with paragraph (g) of section five of the Public Bodies' Leases Act, 1908, at such rental as the Board considers equitable.

(3) On the approval of any application under this section, the Commissioner may in the name and on
 10 behalf of His Majesty accept the surrender of any lease to which such application relates, and may on behalf of His Majesty execute a new lease in accordance with the said application. Such new lease may, as the circumstances require, be over the whole of the land
 15 comprised in the surrendered lease or over portion thereof, and in either case with or without other land.

(4) Sections ten, twelve, thirteen, and fourteen of the principal Act shall, with the necessary modifications, apply with respect to all applications under this section
 20 and with respect to all leases granted under this section.

31. The provisions of sections one hundred and five and one hundred and forty-nine of the Land Act, 1924, shall apply, and shall be deemed to have always applied, to Crown land within the Hanmer Town Area.

Authorizing incorporation of land in an existing lease. See Reprint of Statutes, Vol. IV, pp. 673, 693.

25

Health

32. Section thirty-six of the Health Act, 1920, is hereby amended by repealing subsection three, and substituting the following subsection:—

Liability of owner or landlord where section 36 of Health Act, 1920, not complied with.

“(3) Where any building intended for use as a
 30 dwellinghouse is erected or rebuilt in contravention of this section, or where any building or part of a building is let or sublet as a dwellinghouse in contravention of this section, the owner of the building, or, in the case of any such subletting as aforesaid, the person for the
 35 time being entitled to receive the rent payable in respect of the subletting, shall be liable on summary conviction, in addition to any penalty under the last preceding subsection, to a fine of five pounds for every day during which the building so erected or rebuilt or
 40 any part thereof, or, as the case may be, the building or part thereof so let or sublet, is inhabited while not in conformity with the requirements of this section.”

See Reprint of Statutes, Vol VI, p. 1077

Hospitals and Charitable Institutions

Date of election of Chairman of Hospital Board.

See Reprint of Statutes, Vol. III, p. 738

33. (1) Section thirty-one of the Hospitals and Charitable Institutions Act, 1926, is hereby amended by repealing subsection one, as enacted by section two of the Hospitals and Charitable Institutions Amendment Act, 1928, and substituting the following subsection:— 5

“(1) During the month of June, or as soon thereafter as may be, in each year in which a general election of the members of the Board is held, the Board shall elect one of its members to be Chairman of the Board.” 10

(2) The Chairman of each Board in office on the passing of this Act shall, unless he sooner vacates office, hold office until the election of his successor in the year nineteen hundred and forty-seven. 15

Repeal. Ibid., p. 794

(3) Section two of the Hospitals and Charitable Institutions Amendment Act, 1928, is hereby consequentially repealed.

Rates levied by Valuer-General in contributory district.

See Reprint of Statutes, Vol. III, p. 748

34. (1) Section fifty-nine of the Hospitals and Charitable Institutions Act, 1926, is hereby amended by adding thereto the following proviso:— 20

“Provided that the rates to be levied by the Valuer-General under this section shall, notwithstanding anything in subsection four of the last preceding section, be levied in accordance with the system of rating, whether on the capital value or the annual value or the unimproved value of rateable property, in force in the district.” 25

(2) The said section fifty-nine is hereby further amended by adding the following as subsections two and three thereof:— 30

“(2) In any case where, pursuant to the last preceding subsection, such rates as aforesaid are to be levied on the annual value of the rateable property in the district, the local authority of the district shall forthwith upon demand made by the Valuer-General deliver or cause to be delivered to the Valuer-General the valuation roll for the time being in force under the Rating Act, 1925, in respect of the district or of any portion thereof, or a correct copy of such roll, and furnish such other information and particulars as the Valuer-General may require in relation thereto, and such roll or copy as aforesaid shall be the valuation roll for the purpose of the levying of the rates. 35 40

Ibid., Vol. VII, p. 977

“ (3) If any of the provisions of the last preceding subsection are contravened or not complied with by the local authority, the members of the local authority shall each be deemed to have committed an offence
5 and shall each be liable on summary conviction to a fine not exceeding *fifty* pounds and (if the offence is a continuing one) to a further fine of *five* pounds for every day during which the offence continues.”

(3) Where any ratepayer has made default in the
10 payment of any rates payable to the Valuer-General pursuant to section fifty-nine of the Hospitals and Charitable Institutions Act, 1926, the Valuer-General may, without prejudice to the provisions of section
15 fifty-eight of that Act, from time to time by notice in writing require any person to deduct from any amount payable or to become payable by that person to the ratepayer such sum as may be specified in the notice, and to pay every sum so deducted to the Valuer-General to the credit of the ratepayer within such time as may
20 be specified in the notice.

(4) Where any notice under this section relates to any wages or salary, the sums required to be deducted therefrom shall be computed so as not to exceed a deduction at the rate of twenty per centum of the
25 wages or salary.

(5) Any notice under this section may be at any time revoked by the Valuer-General by a subsequent notice to the person to whom the original notice was given.

(6) A copy of every notice given under this section
30 in respect of any ratepayer and of the revocation of any such notice shall be given to the ratepayer by the Valuer-General.

(7) The sum deducted from any amount pursuant
35 to a notice under this section shall be deemed to be held in trust for the Crown, and, without prejudice to any remedies against the ratepayer, shall be recoverable as a debt due to the Crown by the person so deducting the money.

(8) Every person commits an offence and shall be
40 liable on summary conviction to a fine not exceeding *one hundred* pounds who—

(a) Fails to make any deduction required by a
45 notice under this section to be made from any amount payable by him to a ratepayer:

- (b) Fails after making any such deduction to pay the sum deducted to the Valuer-General within the time specified in that behalf in the notice.

Infants

Settlement of claims by infants.

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

35. (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 II of that Act. 5

(2) Where the payment of a sum of money has been agreed upon by way of compromise or settlement of a claim for money or damages made by or on behalf of an infant and the claim is not the subject of proceedings in any Court in New Zealand, then, upon application made in a summary manner to a Court of competent jurisdiction, the Court may, by order, authorize the execution by or on behalf of the infant of a release of the claim. 10 15

(3) For the purposes of this section the expression "Court of competent jurisdiction" means a Court in which proceedings could be taken to enforce the claim or, in the case of a claim that could not be the subject of proceedings in New Zealand, a Court in which proceedings could be taken to enforce a similar claim that could be the subject of proceedings in New Zealand. 20

(4) A release executed pursuant to an order made under this section shall be valid and binding in all respects. 25

(5) The Court, in its discretion, may refuse any application for an order under this section or may grant the application either unconditionally or upon or subject to such conditions as it thinks fit, whether as to the terms of the compromise or settlement, or as to the amount, payment, securing, application, or protection of the moneys paid or to be paid, or otherwise. 30

(6) Where the Court grants an application for an order under this section the Court may, in its discretion, order that section thirteen of the Public Trust Office Amendment Act, 1913, shall apply with respect to the claim as if it were the subject of proceedings in the Court, and in any such case that section shall apply accordingly. 35 40

Ibid.
Vol. VIII,
p. 979

(7) The provisions of this section shall not be deemed to affect the provisions of section thirteen of the Public Trust Office Amendment Act, 1913, in its application to claims that are the subject of proceedings in any Court, or to affect the powers of the Court to sanction or approve any compromise of any such claim.

Juries

36. Section three of the Juries Act, 1908, is hereby amended by omitting the words " sixty years ", and substituting the words " sixty-five years ".

Increasing maximum age for jurors to sixty-five years.

See Reprint of Statutes, Vol. IV, p. 400

37. (1) This section shall be read together with and deemed part of the Juries Act, 1908.

Grand jury not required to attend when no criminal cases.

(2) If, not more than three days before the day appointed for any sittings of the Supreme Court for the trial of criminal cases, it appears to the proper officer that the attendance of any grand jurors summoned to attend such sittings will not be necessary by reason of there being no business to be transacted for which those jurors are required, that officer may cause those jurors to be notified that their attendance is dispensed with unless they are later advised to the contrary.

(3) Any notification or advice as aforesaid may be by way of advertisement in any newspaper circulating in the district, and by notice sent by post or telegraph to each juror, or by either such advertisement or such notice.

(4) Any person summoned as a grand juror who has been notified as aforesaid and has not been later advised to the contrary shall not be liable to any fine or penalty for failure to attend in pursuance of the summons.

(5) In any case of committal for trial within five days before the date appointed for the Supreme Court sittings, the proper officer of the Court of commitment shall immediately advise the Registrar of the Supreme Court by telephone or telegraph, and if the grand

jurors have been notified that their attendance is dispensed with such Registrar shall forthwith advise those jurors, in accordance with subsection *three* hereof, that their attendance will be required notwithstanding such previous notice.

Amount payable for juries increased.

38. (1) Section one hundred and fifty-nine of the Juries Act, 1908, as amended by section fifteen of the Finance Act, 1926, is hereby further amended as follows:—

(a) By omitting the words “ eight pounds ” from subsection one, and substituting the words “ twelve pounds ”:

(b) By omitting the words “ three pounds ” from subsection one, and substituting the words “ four pounds ”.

Repeal.

(2) Section fifteen of the Finance Act, 1926, is hereby consequentially repealed.

Land

Sections to be read with Land Act, 1924.

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

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

Disposal of Crown land as sites for commercial or industrial purposes.

See Reprint of Statutes, Vol. IV, p. 862

40. (1) For the purpose of providing sites for commercial and industrial purposes, any lands of the Crown may, notwithstanding anything to the contrary in the principal Act or in the Land for Settlements Act, 1925, be disposed of under this section and subject to the provisions therein contained.

(2) The Governor-General may from time to time by notice in the *Gazette* declare that any land of the Crown shall be available for disposal as a site or sites for commercial or industrial purposes under this section.

(3) Every disposition under this section shall be subject to the approval of the Minister given on the recommendation of the Land Board of the district in which the land is situate.

(4) Subject to the provisions hereinafter contained, the land shall be disposed of by way of renewable lease under Part III of the principal Act.

(5) The term of the lease and of every renewal thereof shall be thirty-three years, and there shall be no right of acquiring the freehold.

(6) In special circumstances, with the approval of the Minister, the land may be disposed of by way of sale in fee-simple.

(7) The capital value in the case of a renewable lease, and the purchase-price in the case of a sale in fee-simple, shall be fixed by the Minister on the recommendation of the Land Board.

(8) Nothing in the principal Act or in the Land for Settlements Act, 1925, relating to declarations or formal applications or restricting the area of land that may be acquired or held by any person shall apply in respect of land disposed of under this section.

41. Section three hundred and eighty of the principal Act is hereby amended by adding the following subsection:—

“(3) The Governor-General may, by Order in Council, in any case in which he deems it expedient in the public interest so to do, authorize any acquisition, alienation, or disposition of any land, or any interest therein, notwithstanding the provisions of this Part of this Act or the corresponding Part of any former Land Act.”

42. (1) Section four of the Land Laws Amendment Act, 1944, is hereby amended by inserting after the words “discharged servicemen”, the words “or widows of servicemen or discharged servicemen”.

(2) Section five of the Land Laws Amendment Act, 1944, is hereby amended by inserting, after the words “a discharged serviceman”, the words “or the widow of a serviceman or discharged serviceman”.

Land Drainage

43. (1) This section shall be read together with and deemed part of the Land Drainage Act, 1908.

(2) Any Board affiliated to the New Zealand Drainage and River Boards' Association may from time to time, out of its General Fund, pay the annual subscription of the Board to the Association and the actual reasonable travelling-expenses of its representatives incurred in attending meetings of the conferences of the Association.

Section 380 of Land Act, 1924 (as to limitation of area that may be acquired), amended.

Widows of servicemen or discharged servicemen to have certain privileges. 1944, No. 34

Authority for Drainage Boards to pay subscriptions to New Zealand Drainage and River Boards' Association, and travelling-expenses of representatives. See Reprint of Statutes, Vol. IV, p. 466

Local Elections and Polls

Section 44 of
Local Elections
and Polls
Act, 1925
(as to
influencing
voters, &c.),
amended.

See Reprint
of Statutes,
Vol. V, p. 447

44. (1) This section shall be read together with and deemed part of the Local Elections and Polls Act, 1925 (in this section referred to as the principal Act).

(2) Section forty-four of the principal Act is hereby amended by adding the following:—

“ or

“(d) At any time on polling-day before the close of the poll makes any statement having reference to the poll by means of any loud-speaker or public-address apparatus ”.

(3) It shall not be an offence against the said section forty-four for any person at any election—

(a) To wear or display any party emblem:

(b) To print or distribute or deliver to any person any card or ticket (not being an imitation ballot-paper) having thereon the names of the candidates or of any of them, with or without the name of the party to which each candidate belongs or a statement that he is an independent.

Medical

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

(2) Every body when removed for the purpose of anatomical examination shall before such removal be placed in a decent coffin or shell, and be removed therein.

(3) The person removing the body, or causing it to be removed, shall, after it has undergone anatomical examination, cause it to be buried or cremated, and shall, within such period as may be prescribed under subsection five of this section, cause a certificate of the burial or cremation to be sent to an Inspector for the district.

(4) Notwithstanding anything in the Cemeteries Act, 1908, or in any regulations thereunder, the approval in writing of an Inspector of a school of anatomy shall be sufficient authority for the cremation of any body under this section. Except as provided in this subsection, the provisions of that Act and of the regulations thereunder shall apply with respect to every burial or cremation under this section.

Removal of
bodies for
anatomical
examination,
and provision
for burial or
cremation.

See Reprint
of Statutes,
Vol. V, p. 664

Ibid.,
Vol. I, p. 731

(5) The Minister of Health may from time to time, by order published in the *Gazette*, prescribe a period within which every certificate of burial or cremation under this section is to be sent to the Inspector as aforesaid. Any such order may be at any time in like manner varied or revoked.

(6) This section is in substitution for section thirty-six of the principal Act, and that section is hereby accordingly repealed.

Repeal.

10 *Medical Advertisements*

46. Section ten of the Medical Advertisements Act, 1942, is hereby amended by adding to subsection three the words "or with respect to any other medical advertisement relating to any food or drug within the meaning of that Act for which standards of quality and composition are prescribed under that Act and in respect of which any exemption, granted under or by virtue of that Act, from compliance with any such provision as aforesaid is for the time being in force".

Extending exemption from requirement as to publication of true name of advertiser. 1942, No. 11

20 *Mental Defectives*

47. This section and the *next two succeeding* sections shall be read together with and deemed part of the Mental Defectives Act, 1911 (in those sections referred to as the principal Act).

Sections to be read with Mental Defectives Act, 1911. See Reprint of Statutes, Vol. V, p. 743

25 48. Section five of the principal Act is hereby amended by repealing subsections nine and ten, and substituting the following subsections:—

30 "(9) Subject to the provisions of the last preceding subsection, the Magistrate may adjourn the determination of any application for a reception-order from time to time and for such periods as he thinks fit, and may make such order as he thinks fit for the care, control, and detention of the person to whom the application relates, pending the determination of the application; and on any adjournment as aforesaid the matter may be completed and the application determined by the same or any other Magistrate.

Adjourned determination of application for reception-order may be completed by any Magistrate.

35 "(10) The Magistrate who determines the application shall forthwith report the result of the application to the Director-General."

40

Where arrest is ordered, application for reception-order may be dealt with by any Magistrate.

49. (1) Section seventeen of the principal Act is hereby amended by omitting the words "before such Magistrate", and substituting the words "before a Magistrate".

(2) Section eighteen of the principal Act is hereby amended by omitting the words "to a Magistrate is brought before that Magistrate", and substituting the words "is brought before a Magistrate".

Milk

Sections to be read with Milk Act, 1944, No. 30

Definition of term "milk" amended.

50. This section and the *next five succeeding* sections shall be read together with and deemed part of the Milk Act, 1944 (in those sections referred to as the principal Act).

51. (1) Section two of the principal Act is hereby amended by adding to the definition of the term "milk", in subsection one thereof, the words "or milk intended for manufacture into butter, cheese, casein, dried milk, condensed milk, or condensed cream".

(2) Section eighty-nine of the principal Act is hereby amended by adding the following subsection:—

"(3) If in any prosecution for an offence against this Act or any by-laws or regulations made thereunder any question shall arise as to whether any milk is intended for manufacture into butter, cheese, casein, dried milk, condensed milk, or condensed cream, the burden of proving that it is so intended shall be on the defendant."

(3) Section sixty-one of the principal Act is hereby consequentially amended by repealing subsections two and three.

Inspections, and testing of milk.

52. (1) Section seventy-two of the principal Act is hereby amended by adding to subsection three the words "and may take or purchase samples of milk from any milk store or from any vehicle, utensil, or container".

(2) The said section seventy-two is hereby further amended by adding to subsection four the words "and may take or purchase samples of milk from the premises or from any vehicle, utensil, or container thereon".

(3) The said section seventy-two is hereby further amended by adding the following subsections:—

"(5) Any Inspector appointed pursuant to subsection three of this section may enter dairy premises which are occupied by a person who is not a member of any such association as is referred to in the last preceding

subsection and from which milk is sent into the district, and may inspect the premises and examine any scales, measures, appliances, apparatus, utensils, or vehicles used on the premises in connection with the production
 5 supply, treatment, or storage of milk, and may take or purchase samples of milk from the premises or from any utensil or container thereon.

“(6) Any Milk Authority may, with the prior written approval of the Central Milk Council, undertake
 10 the examination and testing of milk and for that purpose set up a laboratory and employ an analyst and other necessary officers.”

53. (1) Section seventy-three of the principal Act is hereby amended by repealing subsection three, and
 15 substituting the following subsection:—

“(3) The costs of the first election and the expenditure incurred during the period between the date of the constitution of the district and the thirty-first day of
 20 March next thereafter may be included in the estimate made on or before that date for the next ensuing financial year, or the Milk Authority may, if it thinks fit, at any time during that period make an estimate of the proposed expenditure (including the costs of the
 25 election and the income of the Milk Authority for that period), and in that case the foregoing provisions of this section and the provisions of the next succeeding section shall apply as if the estimate were an estimate for a financial year under subsection one hereof.”

(2) This section shall be deemed to have come into
 30 force on the first day of September, nineteen hundred and forty-five.

54. Section eighty-three of the principal Act is hereby amended by adding to subsection one the following
 paragraph:—

35 “(n) Generally for the more effectual carrying-out of any of the objects of this Act and for regulating any of the subject-matters of this Act.”

55. Section one hundred and two of the principal
 40 Act is hereby amended by omitting the word “pasteurization” wherever it occurs, and substituting in each place the word “treatment”.

Levy by Milk Authority for period from date of constitution to 31st March following.

Power to make by-laws extended.

Council may require Milk Authority to operate milk-treatment plant.

Napier High School

Name of Napier Secondary Education Board, and date of annual meeting of Board changed. 1882 (Local), No. 11 1931, No. 5	56. (1) This section shall be read together with and deemed part of the Napier High School Act, 1882 (in this section referred to as the principal Act). (2) As from the date of the passing of this Act the Napier Secondary Education Board shall be known by the name of the Napier High School Board of Governors, and all references in the principal Act, or in section thirty-nine of the Finance Act, 1931 (No. 2), or in any other Act, to the Napier Secondary Education Board shall be read as references to the Napier High School Board of Governors. (3) Section sixteen of the principal Act is hereby amended as follows:— (a) By omitting the words “ for the like purpose ”, and the word “ subsequent ”: (b) By omitting the word “ April ”, and substituting the word “ June ”.	5 5 10 15 15
Repeal.	(4) Section 39 of the Finance Act, 1931 (No. 2), is hereby amended by repealing subsection one.	20

Naval Defence

Royal New Zealand Navy. See Reprint of Statutes, Vol. II, p. 645	57. (1) This section shall be read together with and deemed part of the Naval Defence Act, 1913 (in this section referred to as the principal Act). (2) The New Zealand Naval Forces shall henceforth be styled the Royal New Zealand Navy, the Royal New Zealand Naval Reserve, and the Royal New Zealand Naval Volunteer Reserve respectively. (3) The ships belonging to the Naval Forces shall henceforth be styled His Majesty's New Zealand ships. (4) Section twenty-one of the principal Act is hereby amended by repealing subsection one as enacted by section four of the Naval Defence Amendment Act, 1922, and substituting the following subsection:— “ (1) In addition to the other Naval Forces raised under this Act there are hereby established a Royal New Zealand Naval Reserve and a Royal New Zealand Naval Volunteer Reserve.” (5) The said section twenty-one is hereby further amended by omitting the words “ the New Zealand Royal Naval Reserve ” in subsection three, and substituting the words “ the said Reserves ”.	25 25 30 30 35 40
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(6) Subsection two of section thirteen of the principal Act is hereby amended by omitting the words "New Zealand Royal Naval Reserve", and substituting the words "Royal New Zealand Naval Reserve".

5 (7) Section five of the Naval Defence Amendment Act, 1922, is hereby amended by omitting the words "New Zealand Royal Naval Reserve", and substituting the words "Royal New Zealand Naval Reserve and the Royal New Zealand Naval Volunteer Reserve".

10 (8) The said section five is hereby further amended by omitting the words "the Reserve" wherever they occur, and substituting in each place the words "the said Reserves".

(9) All regulations now in force under the principal Act are hereby consequentially amended as follows:—

15 (a) By omitting the references to "Naval Forces", "New Zealand Naval Forces", and "New Zealand Division of the Royal Navy" wherever they occur, and substituting in each
20 place a reference to "Royal New Zealand Navy":

(b) By omitting the references to "New Zealand Royal Naval Reserve" and "Royal Naval Reserve (New Zealand Division)" wherever
25 they occur, and substituting in each place a reference to "Royal New Zealand Naval Reserve":

(c) By omitting the references to "Royal Naval Volunteer Reserve (New Zealand Division)"
30 wherever they occur, and substituting in each place a reference to "Royal New Zealand Naval Volunteer Reserve".

(10) Section four of the Naval Defence Amendment Act, 1922, is hereby consequentially repealed. Repeal.

35 (11) This section is in substitution for the Royal New Zealand Navy Order 1941, and that Order is hereby accordingly revoked. Serial number 1941/169

New Zealand University

40 58. Section ten of the New Zealand University Amendment Act, 1926, is hereby amended by adding to subsection one the following words:—

"Bachelor, Master, and Doctor of Divinity."

Power of Senate to confer additional degrees.

See Reprint of Statutes, Vol. II, p. 1143

One member of Academic Board to be elected by each Agricultural College.
See Reprint of Statutes, Vol. II, p. 1121
Ibid., p. 1144
1944, No. 25

59. (1) This section shall be read together with and deemed part of the New Zealand University Act, 1908.

(2) In addition to the members referred to in section fifteen of the New Zealand University Amendment Act, 1926, and the two members referred to in section forty-seven of the Statutes Amendment Act, 1944, one member of the Academic Board shall be elected by the Professorial Board of the Massey Agricultural College, and one member shall be elected by the Professorial Board of the Canterbury Agricultural College. 5 10

(3) The two members to be elected under this section shall be elected for a term of three years, but shall, unless disqualified as provided in section sixteen of the New Zealand University Amendment Act, 1926, be entitled to continue in office until the election of their successors in office: 15

Provided that the member elected pursuant to section fourteen of the New Zealand University Amendment Act, 1928, and in office at the commencement of this Act, shall be entitled to continue in office in accordance with the terms of his election under that section, and shall, for the purposes of this section, be deemed to be the first member to be elected by the Professorial Board of the Canterbury Agricultural College: 20 25

Provided also that the first member to be elected by the Professorial Board of the Massey Agricultural College shall be elected for a term expiring on the date of the expiration of the term of office of the member specified in the *last preceding* proviso. 30

(4) Elections under this section shall be held in accordance with the statutes of the Senate of the University. 35

Repeal.

(5) This section is in substitution for section fourteen of the New Zealand University Amendment Act, 1928, and that section is hereby accordingly repealed.

5 **60.** (1) Section twenty of the New Zealand University Amendment Act, 1926, as amended by section four of the New Zealand University Amendment Act, 1929, is hereby further amended as follows:—

Two representatives of heads of secondary schools on University Entrance Board.
See Reprint of Statutes, Vol. II, p. 1147

(a) By repealing paragraph (g) of subsection three, and substituting the following paragraph:—

10 “(g) Two members to be appointed by the Association of the Heads of the Registered Secondary Schools of New Zealand (Incorporated)”:

15 (b) By omitting from subsection six the reference to paragraphs (d), (e), and (g), and substituting a reference to paragraphs (d) and (e).

(2) Section four of the New Zealand University Amendment Act, 1929, is hereby consequentially repealed.

20 (3) This section shall come into force on the date of the commencement of this Act:

25 Provided that the two members elected under paragraph (g) of subsection three of section twenty and in office on the said date of commencement shall be entitled to continue in office in accordance with the terms of their election, and shall, for the purposes of this section, be deemed to be the first members to be appointed hereunder.

30 *Opticians*

61. Section five of the Opticians Amendment Act, 1934, is hereby amended by inserting, after the words “any class of registered opticians”, the words “or of any incorporated bodies carrying on business as opticians”.

Power to make regulations controlling advertising by companies carrying on business as opticians.
1934, No. 4

Police Offences

62. (1) This section shall be read together with and deemed part of the Police Offences Act, 1927.

Attempt to convert motor-cars, &c.
See Reprint of Statutes, Vol. II, p. 500

1935, No. 29

(2) Every person commits an offence against section two of the Police Offences Amendment Act, 1935, and shall be liable accordingly, who attempts to commit the offence referred to in subsection one of that section, or who, unlawfully and without colour of right, interferes with or gets into or upon or attempts to get into or upon any of the things referred to in paragraphs (a) to (d) of that subsection. 5

(3) Any constable may arrest without warrant any person whom he finds committing or has good cause to suspect of having committed an offence to which this section relates. 10

Post and Telegraph

Further offences relating to misuse of telephone.
See Reprint of Statutes, Vol. VI, p. 926

63. Section one hundred and ninety-four of the Post and Telegraph Act, 1928, is hereby amended by adding the following as subsection two thereof:— 15

“(2) Every person is liable to a fine not exceeding *fifty pounds* or to imprisonment for any term not exceeding *three months* who—

“(a) Uses over any telephone under the control or management of the Minister any profane, indecent, or obscene language; or 20

“(b) Wilfully gives over any telephone under the control or management of the Minister any fictitious order, instruction, or message.” 25

Authorizing Department to establish hostels and make charges for accommodation.
See Reprint of Statutes, Vol. VI, p. 936

64. (1) This section shall be read together with and deemed part of Division III of the Post and Telegraph Act, 1928.

(2) The Department shall have power and shall be deemed to have always had power to do all or any of the following things:— 30

(a) Establish, maintain, and operate hostels and other residential or boarding establishments for its employees:

- (b) Make such charges as may be fixed by the Postmaster-General for any accommodation or services provided for any person by the Department:
- 5 (c) Exercise such other incidental powers as are reasonably necessary for the effective performance of the Department's functions under this section.

Printers and Newspapers Registration

- 10 **65.** (1) This section shall be read together with and deemed part of the Printers and Newspapers Registration Act, 1908 (in this section referred to as the principal Act). Omission of printer's name. See Reprint of Statutes, Vol. VI, p. 954
- 15 (2) Every person who prints any paper or book and omits to print therein his name and place of abode as required by the principal Act commits an offence and shall be liable to a fine not exceeding *one hundred* pounds.
- 20 (3) Every person who publishes or disperses, or assists in publishing or dispersing, whether gratuitously or for money, any paper or book in which the name and place of abode of the printer thereof is not printed as required by the principal Act commits an offence and shall be liable to a fine not exceeding
- 25 *one hundred* pounds.
- (4) This section is in substitution for section nineteen of the principal Act and that section is hereby Repeal. accordingly repealed.

Public Bodies' Leases

- 30 **66.** (1) This section shall be read together with and deemed part of the Public Bodies' Leases Act, 1908 (in this section referred to as the principal Act). Leasing authority may offer lands for lease at a fixed rental. See Reprint of Statutes, Vol. IV, p. 1031
- 35 (2) Notwithstanding anything contained in section eight of the principal Act, where any land may be offered under the provisions of that Act by a leasing authority for lease by public auction or public tender, it may under the same provisions be offered by public application for lease at a fixed rental to be determined by the leasing authority, and all the provisions of the
- 40 principal Act shall, so far as they are applicable and with the necessary modifications, apply accordingly.

Quarries

Managers of
certain
quarries not
required to
hold certificates
if holding
permits
under this
section.
1944, No. 13

67. (1) This section shall be read together with and deemed part of the Quarries Act, 1944 (in this section referred to as the principal Act).

(2) Notwithstanding anything in section nine of the principal Act, it shall be lawful in the case of any quarry in which no explosives are used, and in which all the workings are above ground, for any person who is the holder of a permit in writing granted by an Inspector under this section to be employed or to act in the capacity of manager in that quarry.

(3) No person applying for a permit under this section shall be granted a permit unless the Inspector is satisfied—

(a) That the applicant has an adequate knowledge of the duties of a manager of a quarry of the class to which the application relates, and of the provisions of the principal Act and the regulations thereunder; and

(b) That no person holding a quarry-manager's certificate granted under the principal Act is available for employment in that quarry in the capacity of manager.

(4) Every permit granted under this section shall specify the quarry to which it relates, and shall have effect only with respect to that quarry.

(5) Any permit under this section may be granted upon and subject to such terms and conditions, to be specified in the permit, as the Inspector thinks fit, and may be limited to expire at such date or at the end of such period as may be specified therein. Any such condition as aforesaid may from time to time during the currency of the permit be varied, added to, or revoked by an Inspector.

(6) Any permit granted under this section may at any time be cancelled by an Inspector—

(a) If in his opinion the holder thereof is by reason of incompetency, or gross negligence, or misconduct in the performance of his duties under the principal Act unfit to continue to hold a permit; or

(b) If he is satisfied that some person holding a quarry-manager's certificate is available for employment in the capacity of manager in the quarry to which the permit relates.

Rating

68. Section sixty-five of the Statutes Amendment Act, 1936, is hereby amended by repealing paragraph (b) of subsection two.

Modification of definition of "rateable property" for purposes of Rating Act, 1925.
1936, No. 58

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Rehabilitation

69. This section and the next two succeeding sections shall be read together with the Rehabilitation Act, 1941 (in those sections referred to as the principal Act), and shall be deemed to form part of Part I of that Act.

Sections to be read with Part I of Rehabilitation Act, 1941.
1941, No. 25

70. Subsection one of section two of the principal Act is hereby amended by inserting in paragraph (c) of the definition of the term "serviceman", after the words "within New Zealand", the words "or elsewhere".

Definition of "serviceman" extended.

71. (1) In any case where Native land within the meaning of the Native Land Act, 1931, has been acquired under the authority of Part XIX of that Act for the purpose of providing for the settlement of discharged servicemen who are Natives or the descendants of Natives within the meaning of that Act, the Governor-General may by Proclamation declare the land to be subject to the provisions of this section, and thereupon the land shall become so subject and be dealt with accordingly.

Disposal of Native land acquired for settlement of Maori discharged servicemen.
See Reprint of Statutes, Vol. VI, p. 103

(2) Land subject to the provisions of this section shall be administered on behalf of the Rehabilitation Board by the Board of Native Affairs established under the Board of Native Affairs Act, 1934-35, in its own name, and the provisions of the principal Act shall apply as if the Board of Native Affairs were an agency acting under the authority of the Rehabilitation Board pursuant to section thirteen of the principal Act.

1934-35, No. 44

(3) Land subject to the provisions of this section shall be subject also to the provisions of Part I of the Native Land Amendment Act, 1936, and, subject to the provisions of this section, that Part of that Act and section five of the Native Purposes Act, 1939, shall apply as if the land had been the subject of a Proclamation under the last-mentioned section.

1936, No. 53

1939, No. 28

(4) When any land subject to the provisions of this section is transferred by the Board of Native Affairs to a Native or a descendant of a Native, the memorandum of transfer shall disclose that the land so transferred is subject to the provisions of this section, and the District Land Registrar shall enter a memorial on the certificate of title issued in the name of the transferee that it is issued subject to the provisions of this section. 5

(5) All land comprised in any certificate of title issued subject to the provisions of this section to a Native or a descendant of a Native shall be deemed to be Native freehold land within the meaning of the Native Land Act, 1931, and so far as his interest in the land is concerned every beneficial owner if a descendant of a Native shall, for the purposes of Part XIII of that Act, be deemed to be a Native: 10 15

Provided that in considering any application for the confirmation of any alienation of the land, the Native Land Court shall have regard to the desirability of facilitating the settlement of discharged servicemen, and may refuse to confirm an alienation by way of sale to any person other than a discharged serviceman who is a Native or a descendant of a Native if it is satisfied that there is such a discharged serviceman ready and willing to purchase the land at a reasonable price. 20 25

River Boards

72. (1) This section shall be read together with and deemed part of the River Boards Act, 1908.

(2) Any Board affiliated to the New Zealand Drainage and River Boards' Association may from time to time, out of its General Fund, pay the annual subscription of the Board to the Association and the actual reasonable travelling-expenses of its representatives incurred in attending meetings of the conferences of the Association. 30 35

Authority for River Boards to pay subscriptions to New Zealand Drainage and River Boards' Association, and travelling-expenses of representatives. See Reprint of Statutes, Vol. IV, p. 513

Samoa

73. Section three hundred of the Samoa Act, 1921, is hereby amended by repealing subsection one, and substituting the following subsection:—

Prohibition of certain marriages by Samoan women.

See Reprint of Statutes, Vol. II, p. 853

- 5 “(1) No person who has arrived in Samoa, whether before or after the commencement of this Act, in pursuance of any contract or scheme established by public authority to perform manual or domestic service, being a person who by virtue of such contract or scheme
10 or of any regulations or Ordinance remains an immigrant or a person liable to repatriation to the country from which he came, shall marry a Samoan woman, or go through the ceremony of marriage with a Samoan woman.”

15 *Share-milking Agreements*

74. (1) This section shall be read together with and deemed part of the Share-milking Agreements Act, 1937 (in this section referred to as the principal Act).

Variation and extension of conditions of agreements on recommendation of Court of Arbitration. 1937, No. 37

- (2) In any case where the organizations representing the interests of the employers and the share-milkers respectively are unable to reach agreement on any matter referred to in section four or section five of the principal Act, the matters in dispute may be referred by any such organization to the Court of
20 Arbitration in order that a recommendation may be obtained in respect of those matters.

- (3) The Court of Arbitration may hear representations in relation to the matters in dispute and may make a recommendation to the Minister of Labour
30 thereon.

- (4) In the exercise of the powers conferred on it by this section the Court of Arbitration shall be deemed to act in the capacity of an arbitrator rather than in its ordinary judicial capacity, but nothing in the
35 Arbitration Act, 1908, shall apply and nothing in this section shall be construed to limit the powers of the Court in the exercise of its functions for the purposes of this section.

See Reprint of Statutes, Vol. I, p. 346

- (5) Section four of the principal Act is hereby
40 amended as follows:—

- (a) By adding to subsection one the words “or have been recommended by the Court of Arbitration”:
(b) By inserting in subsection four, after the words
45 “organizations concerned”, the words “or recommended by the Court of Arbitration”.

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

- (a) By inserting in subsection one, after the word “share-milkers”, the words “or recommended by the Court of Arbitration”:
- (b) By inserting in subsection two, after the words “agreed to”, the words “or recommended”.

5

Soil Conservation and Rivers Control

Sections to be read with Soil Conservation and Rivers Control Act, 1941.

1941, No. 12

Amending constitution of Soil Conservation and Rivers Control Council.

Provision for subsidy on administrative rates in certain cases.

Soil conservation a function of Catchment Boards.

75. This section and the next five succeeding sections shall be read together with and deemed part of the Soil Conservation and Rivers Control Act, 1941 (in those sections referred to as the principal Act).

10

76. Section three of the principal Act is hereby amended by repealing paragraph (c) of subsection two, and substituting the following paragraph:—

15

- “(c) One person (who shall be an officer of the Public Works Department or of some other Department of State) to be appointed by the Governor-General on the recommendation of the Minister:”

20

77. If in the case of any catchment district the Council is satisfied that the amount that will be provided by the levying of an administrative rate of the maximum amount authorized by section eighty-four of the principal Act will not be sufficient to provide for the efficient administration of the district, the Council may pay such further amount to the Board of the district by way of subsidy on the administrative rate as should, in the opinion of the Council, be sufficient to provide for the efficient administration of the district.

25

30

78. (1) Section one hundred and twenty-six of the principal Act is hereby amended by adding to subsection one the words “and to promote soil conservation”.

(2) The said section one hundred and twenty-six is hereby further amended by adding to subsection two the following paragraph:—

35

- “(f) Promoting soil conservation.”

79. In any case where any works are to be constructed by a Board and the Board has agreed with the owners of some of the lands on or near which the works are to be constructed for the payment by those
 5 owners of part of the cost of the works, being not less than three-fourths of the total amount which in the opinion of the Board should be paid by owners of land, but the owners of other lands which are likely to receive benefit from the proposed works refuse
 10 to pay such amounts towards the cost of the work as the Board considers to be fair and equitable, the Board may, in any Court of competent jurisdiction, recover those amounts, or such smaller amounts, if any, as in the circumstances the Court considers reasonable,
 15 from the owners as debts due by the respective owners to the Board:

Recovery of cost of works where three-fourths of owners agree to make payments.

Provided that this section shall not apply unless the number of owners who have agreed to pay part of the cost of the works is at least three times the
 20 number of the owners who have refused so to do.

80. (1) If in the opinion of the Council or of any Board deer, opossums, or other wild animals on land which is privately owned or occupied are likely to destroy or damage any trees, shrubs, plants, or grasses,
 25 the existence of which may tend to mitigate soil erosion or to promote soil conservation or the control of floods, the Council or the Board may report the matter to the Minister of Internal Affairs who if he is satisfied that it is desirable so to do may authorize any person
 30 to enter upon the land to kill the deer, opossums, or other wild animals thereon, subject to such conditions and during such period as may be specified in the authority.

Destruction of deer, &c., on private property.

(2) Notwithstanding anything to the contrary in
 35 section thirty-eight of the Animals Protection and Game Act, 1921-22, or in any other enactment or in any rule of law any person acting pursuant to any authority granted under the *last preceding* subsection and in accordance with the terms thereof may
 40 enter upon any land which is privately owned or occupied without the consent of the owner or occupier thereof.

See Reprint of Statutes, Vol. I, p. 195

Stock

Sections to be read with Stock Act, 1908. Commencement. See Reprint of Statutes, Vol. I, p. 311

81. This section and the *next six succeeding* sections shall be read together with and deemed part of the Stock Act, 1908 (in those sections referred to as the principal Act), and shall come into force on the *first* day of *May*, nineteen hundred and forty-six. 5

Application of diagnostic tests for stock diseases. See Reprint of Statutes, Vol. V, p. 736

82. Every Inspector who is registered as a veterinary surgeon under the Veterinary Surgeons Act, 1926, shall, for the purpose of ascertaining whether any stock are diseased, have power to apply to the stock any of the diagnostic tests for disease used in veterinary practice. 10

Tuberculin testing of dairy cattle.

83. (1) All cattle for the time being kept on any premises which are used for the purposes of producing milk or cream for sale for human consumption shall from time to time as the Chief Inspector shall determine, be tested with the tuberculin test for the purpose of ascertaining whether any such stock shows a positive reaction to the test. 15

(2) Each test shall be conducted by an Inspector who is a registered veterinary surgeon or by any other registered veterinary surgeon who is specially authorized by the Minister to carry out tuberculin tests for the purposes of this section. 20

(3) In any case where cattle on any premises have been tested with the tuberculin test under this section, if the occupier of the premises brings, or permits to be brought, on to the premises any cattle which have not within the preceding three months been tested with the tuberculin test he shall within seven days notify an Inspector that such cattle are on his premises. 25 30

(4) In any case where any animal has been tested with the tuberculin test under or for the purposes of this section and it has shown a positive reaction to the test it shall be condemned by an Inspector and, when it has been destroyed pursuant to the principal Act, the owner thereof shall be entitled to compensation to the extent of three-fourths of the fair market value ascertained as provided in section forty of the principal Act; 35 40

Provided that such market value shall in no case exceed sixteen pounds.

5 (5) Nothing in sections forty-one, forty-two, and forty-four of the principal Act shall apply in respect of any animal condemned pursuant to the *last preceding* subsection.

10 (6) The Minister may at any time by notice in the *Gazette* direct that all cattle of any specified class or all cattle situated on any specified class of premises or in any specified area shall be tested with the tuberculin test from time to time as the Chief Inspector shall determine, and thereupon the foregoing provisions of this section shall extend to apply in respect of tests conducted pursuant to the direction of the Minister.

15 (7) Regulations may be made under the principal Act prescribing means whereby cattle which have been tested pursuant to this section shall be identified and providing for matters incidental thereto.

20 **84.** For the purposes of the *next three succeeding* sections and of the principal Act, unless the context otherwise requires,— Interpretation.

25 “ Approved wool-marking preparation ” means a substance or preparation for the time being approved by the Minister as suitable for use in the making of marks on the wool of sheep:

30 “ Manufacture ” includes packing in receptacles for sale, and also includes the process of mixing substances mechanically to form a preparation of more than one ingredient; and “ manufactured ” and “ manufacturer ” have corresponding meanings:

“ Package ” includes anything in or by which any substance or preparation may be cased, covered, enclosed, contained, or packed:

35 “ Proprietor ”, in relation to any substance or preparation manufactured in New Zealand, means the manufacturer thereof; and, in relation to any substance or preparation not manufactured in New Zealand, means the importer thereof.

40

Restrictions
on use or sale
of wool-marking
preparations.

85. (1) No person shall use for the purpose of making any mark on the wool of any sheep any substance or preparation other than an approved wool-marking preparation.

(2) No person shall sell or offer for sale any substance or preparation intended to be used or purporting to be suitable for use in the making of marks on the wool of sheep unless the substance or preparation—

(a) Is an approved wool-marking preparation; and 10

(b) Is in a package which bears thereon a statement indicating that the substance or preparation is an approved wool-marking preparation for the purposes of the principal Act. 15

(3) No person shall mix with or add to any approved wool-marking preparation any substance other than a clear volatile solvent that has no injurious effect on wool.

(4) Every person who acts in contravention of or fails to comply in any respect with any of the provisions of this section commits an offence and shall be liable on summary conviction to a fine not exceeding *twenty* pounds. 20

Approval of
wool-marking
preparations.

86. (1) On the application of the proprietor of any substance or preparation intended for use in the making of marks on the wool of sheep the Minister may, in writing, approve the substance or preparation as suitable for such use, or may, if he thinks fit, refuse his approval. 25 30

(2) Any approval granted under this section may be granted either unconditionally or upon or subject to such conditions as the Minister thinks fit. Any such conditions as aforesaid may be at any time varied, added to, or revoked by the Minister. 35

(3) Any approval granted under this section may, if the Minister thinks fit, be a temporary approval, which shall continue to have effect only for such period as may be specified by the Minister in granting the approval. The Minister may from time to time extend the operation of any temporary approval for a further period. 40

(4) Any approval granted under this section may be at any time in like manner revoked by the Minister.

(5) Every person who applies to the Minister for approval of any substance or preparation under this section shall furnish such information and particulars in relation thereto as the Minister may from time to time require.

(6) Every person commits an offence and shall be liable on summary conviction to a fine not exceeding *twenty* pounds who, with intent to deceive, makes any false or misleading statement or any material omission in any communication with or application to the Minister (whether in writing or otherwise) for the purposes of this section.

15 **87.** (1) Section sixty-one of the principal Act is hereby amended by omitting from paragraph (b) of the definition of the term "brand" the words "pitch, tar, paint, raddle, or lamp-black mixed with oil or tallow", and substituting the words "an approved wool-marking preparation".

Consequential amendments of Stock Act, 1908. See Reprint of Statutes, Vol. I, p. 332

20 (2) Section sixty-three of the principal Act is hereby amended by omitting the words "a distinguishing mark of paint or tar", and substituting the words "a distinguishing mark made with an approved wool-marking preparation".

Tourist and Health Resorts Control

88. (1) This section shall be read together with and deemed part of the Tourist and Health Resorts Control Act, 1908 (in this section referred to as the principal Act).

Restrictions on boring for thermal or mineral water. See Reprint of Statutes, Vol. VIII, p. 605

30 (2) The Governor-General may by Proclamation, which may from time to time in like manner be amended or revoked, declare that any area of land, whether subject to the principal Act or not, which contains or is believed to contain any thermal or mineral spring, river, lake, pool, geyser, or other thermal or mineral water shall be a thermal-water area for the purposes of this section.

35 (3) Notwithstanding anything to the contrary in any Act, instrument of title, or rule of law no person shall sink or use any well, bore, or pipe for the purpose of obtaining or attempting to obtain thermal

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or mineral water in any thermal-water area without the prior written consent of the Minister, granted after consultation with the Minister in Charge of the Department of Scientific and Industrial Research.

(4) The Minister, in his discretion, may refuse any application for his consent under this section or may grant the application wholly or partly, and either unconditionally or upon or subject to such conditions as he thinks fit. 5

(5) Any consent granted under this section may be at any time revoked by the Minister, and any such conditions as aforesaid may from time to time be varied, added to, or revoked by the Minister. 10

(6) The granting of any consent under this section shall not relieve any person from any liability at law or in equity in respect of anything done pursuant to the consent. 15

(7) Every person who sinks or uses any well, bore, or pipe in contravention of this section or of any conditions imposed thereunder commits an offence and shall be liable on summary conviction to a fine not exceeding *fifty* pounds, and (if the offence is a continuing one) to a further fine not exceeding *five* pounds for every day during which the offence continues. 20 25

Town-planning

89. This section and the next *two succeeding* sections shall be read together with and deemed part of the Town-planning Act, 1926 (in those sections referred to as the principal Act). 30

90. (1) Notwithstanding anything to the contrary in section twenty-nine of the principal Act no person shall be entitled to claim compensation under that section in respect of any determination under section thirty-four of the principal Act until after he has appealed to the Town-planning Board as provided in the said section thirty-four. 35

Sections to be read with Town-planning Act, 1926. See Reprint of Statutes, Vol. V, p. 488

As to compensation in respect of determinations under section 34.

(2) Subsection two of section twenty-nine of the principal Act is hereby amended as follows:—

5 (a) By omitting from paragraph (a) the words “if such provision”, and substituting the words “or in respect of the operation of any determination under section thirty-four hereof if such provision or determination”:

10 (b) By inserting in paragraph (b), after the word “scheme”, the words “or any determination under section thirty-four hereof”.

(3) The said section twenty-nine shall apply as amended by this section in respect of all claims for compensation in relation to determinations made under section thirty-four of the principal Act, whether before
15 or after the passing of this Act.

20 **91.** (1) Any local authority may at any time within one month after the date of an award of compensation under the principal Act in respect of any determination under section thirty-four thereof give notice to the claimant that, subject to the approval of the Town-planning Board, it proposes to reverse or modify the determination.

Power to modify determination under section 34 after award of compensation.

25 (2) The local authority shall forthwith submit the matter to the Town-planning Board, and if the approval of the Board is obtained the local authority shall reverse or modify the determination aforesaid and give notice thereof to the claimant, and upon payment by the local authority of the claimant’s costs awarded by the Compensation Court, the award of the Court shall
30 be discharged, without prejudice, however, to the right of the claimant to make a further claim for compensation under section twenty-nine of the principal Act in respect of the determination as modified.

35 (3) No award of compensation under the principal Act in respect of any determination under section thirty-four thereof shall be enforceable if notice has been given by the local authority under this section, until after three months from the date of the award.

Transport Licensing (Commercial Aircraft Services)

Transferring
authority to
license
aircraft
services to
Minister in
charge of Air
Department.
1934, No. 25

92. (1) Section two of the Transport Licensing (Commercial Aircraft Services) Act, 1934 (in this section referred to as the principal Act), is hereby amended by omitting from subsection one the definition of the term "Minister", and substituting the following definition: 5

" 'Minister' means the Minister in charge of the Air Department."

(2) All references to the Commissioner of Transport in the principal Act or in Part II of the Transport Licensing Amendment Act, 1936, or in any regulations or licenses under the principal Act shall hereafter be read as references to the Air Secretary. 10

(3) Section two of the principal Act is hereby further amended by omitting from subsection one the definition of the term "Commissioner". 15