

STATUTES AMENDMENT BILL

EXPLANATORY NOTES

Clause 1: Short Title.

Adhesive Stamps

Clause 2: Amending section 15 of Adhesive Stamps Act, 1939 (as to stamps for Island Territories).—This clause extends the authority under which stamps are created for use in the Island Territories under New Zealand administration. The clause will authorize the creation of stamps for use in any territory under the authority of the Government of New Zealand.

Annual Holidays

Clause 3: Sections to be read with Annual Holidays Act, 1944.

Clause 4: Employment may be deemed continuous if worker dismissed and re-employed within one month.—The purpose of this clause is to prevent the evasion by employers of their obligations under the principal Act by the dismissal and re-engagement of workers, thus depriving the workers of the full benefits to which they would otherwise be entitled under the Act.

Clause 5: Offence to buy holiday card at a discount.—Under this clause the discounting of holiday cards becomes an offence under section 13 of the principal Act.

Apiaries

Clause 6: Regulations as to honey likely to contain poison.—The purpose of this clause is to enable regulations to be made regulating the keeping of bees and the disposal of honey produced in areas where there is a likelihood of the honey being poisoned. Recently a number of persons in one district were admitted to hospital as a result of eating poisoned honey. The poison was traced to honey-dew produced by passion-vine hoppers from the stems and leaves of tutu, which grows in abundance in that district.

Bankruptcy

Clause 7: Bankrupt may select and retain furniture, &c., up to value of £100.—Under section 121 of the Bankruptcy Act, 1908, as amended by section 11 of the Bankruptcy Amendment Act, 1927, a bankrupt is entitled on adjudication to select and retain as his own property tools of trade, furniture, and household effects up to the value (in the opinion of the Official Assignee) of £50. This clause increases the exemption to £100. There will be a similar exemption of £100 from seizure under a warrant of distress (section 85 of the Magistrates' Court Act, 1947).

Broadcasting

Clause 8: Extending powers of National Broadcasting Service.—This clause sets out the activities which may be pursued by the National Broadcasting Service.

Counties

Clause 9: Sections to be read with Counties Act, 1920.

Clause 10: Travelling-expenses of representatives at meetings of Counties Association or ward thereof.—The New Zealand Counties Association has recently altered its internal organization from a national to a ward basis. This clause extends the authority of County Councils to enable them to pay travelling-expenses of representatives attending ward conferences. It also removes the present limit of £40 per annum for such expenses, thus leaving the maximum amount to the discretion of the County Council.

Clause 11: Contributions towards cost and maintenance of public amenities.—At the present time County Councils have no power to contribute towards the cost of women's rest-rooms or Plunket rooms, &c., established in adjoining boroughs, although county residents receive the benefit of these amenities. This clause provides the necessary authority.

Clause 12: Extending powers of County Councils to make building by-laws (as to resistance to earthquakes).—County Councils are at present unable to adopt the Standard Code of Building By-laws in full as their statutory powers are not wide enough. This clause enables Councils to make by-laws for the purpose, and empowers the making of regulations for the purpose by Order in Council in any case where a Council fails to make such by-laws within *three* months after the passing of this Bill.

Destitute Persons

Clause 13: Removing limit from amount of maintenance of children.—In the case of affiliation orders under sections 8 and 16 of the Destitute Persons Act, 1910, and in the case of a maintenance order for a child under section 26 of that Act, the Magistrate is empowered to order the payment of a reasonable sum not exceeding 21s. a week for the future maintenance of the child. This clause removes the limit, leaving the amount in each case to the Magistrate's discretion.

Electoral

Clause 14: Section 128 of Electoral Act, 1927 (as to half-holiday on polling-day), extended to by-elections.—This clause re-enacts the provisions of the By-elections Emergency Regulations 1947 (Serial number 1947/74) and revokes those regulations.

Family Protection

Clause 15: Application of Family Protection Act, 1908, to adopted children and grandchildren.—This clause will enable claims for maintenance and support to be made against the estate of a deceased person under Part II of the Family Protection Act, 1908, by any of that person's adopted children or by any of the children or adopted children of any natural or adopted child of the deceased person who has died before the deceased person. The clause will put such adopted children and grandchildren in the same position as natural children, and the mother or father of the deceased person will not be able to apply under section 14 of the Statutes Amendment Act, 1943, if any such adopted children or grandchildren survive the deceased person.

Fisheries

Clause 16: Entry on premises to search for fish or oysters illegally taken.—Section 56 of the Fisheries Act, 1908, authorizes a fishery officer or constable to enter between sunrise and sunset, with or without warrant, certain specified premises, and to search for and seize fish or oysters supposed to be illegally taken. The premises so specified do not include sheds and factories used for the storage, treatment, canning, or freezing of fish or oysters. This clause extends the application of the section to such premises.

Forests

Clause 17: Sections to be read with Forests Act, 1921–22.

Clause 18: Appointment of honorary rangers.—The purpose of this clause is to regularize the position of honorary rangers, provide a limit to the term of their appointment, and provide for the definition of their functions and duties. The Act at present deems honorary rangers to be “Forest officers”, which gives them administrative powers which it was not intended they should exercise.

Clause 19: Honorary Forest officers for particular purposes.—This clause will enable the appointment of honorary officers for carrying out in special cases particular duties which would otherwise have to be performed by permanent Forest officers.

Clause 20: Prohibition of injurious importations.—Section twenty-nine of the Statutes Amendment Act, 1941, authorizes the making of regulations for eradicating or preventing the spread of any disease affecting trees or timber, and in particular prescribing treatment and measures to be adopted and providing for the destruction of diseased trees or timber in New Zealand. The section does not, however, authorize the control of the importation of trees, seeds, or timber which are diseased or likely to cause disease. This clause gives that power. It is similar in effect to section 2 of the Orchard and Garden Diseases Amendment Act, 1940.

Clause 21: Miscellaneous amendments.—This clause makes amendments consequential on the passing of the Public Service Amendment Act, 1946, which placed the Director of Forestry and the Chief Inspector under the control of the Public Service Commission.

Government Railways

Clause 22: Special provisions as to appeals by servicemen.—This clause re-enacts in statutory form the provisions of the Government Service Appeals Emergency Regulations (Serial Nos. 1944/25, 1945/160), which were enacted for the protection of servicemen.

Housing

Clause 23: Section 10 of Housing Amendment Act, 1940 (as to execution of documents on behalf of Crown for purposes of Housing Act, 1919), amended.—Section 10 of the Housing Amendment Act, 1940, provides that any deed or document required to be executed on behalf of His Majesty for the purposes of the Housing Act, 1919, may be executed on behalf of His Majesty by the State Advances Corporation. In practice the Housing Division of the Public Works Department attends to the acquisition of land

for housing and the erection of houses, and the State Advances Corporation administers the houses once they are completed. The purpose of this clause is to give each Department power to execute documents coming within its sphere.

Howard Estate

Clause 24: Howard Estate Advisory Board.—The object of this clause is to enable one member of the Howard Estate Advisory Board to be appointed on the joint recommendation of the Hawke's Bay Provincial Executive and the Southern Hawke's Bay Provincial Executive of Federated Farmers of New Zealand (Incorporated), instead of on the joint recommendation of those branches of the New Zealand Farmers' Union, whose headquarters are in the Hawke's Bay Provincial District. The New Zealand Farmers' Union's functions have been taken over by Federated Farmers of New Zealand (Incorporated).

Industrial Conciliation and Arbitration

Clause 25: Certain conditions of employment of chemists' apprentices may be prescribed in award or industrial agreement.—This clause repeals and re-enacts section 38 of the Statutes Amendment Act, 1946, with the addition of the new provision contained in paragraph (b) of *subclause (3)* of this clause. The effect of this new provision is that articles of apprenticeship binding apprentices to whom section 38 applied are to be read subject to awards and agreements made under that section (now this clause), thus carrying out the original purpose of the section.

Infants

Clause 26: Modifying provisions as to consent to adoption of child.—The effect of this clause is that in requiring the consent of the parents of a child to its adoption the Court is not called upon to obtain the consent of the natural father in the case of an illegitimate child, or of the natural parents in the case of a child that has previously been adopted. In the latter case it is the adopted parents whose consent is required.

Judicature

Clause 27: Sections to be read with Judicature Act, 1908.

Clause 28: Power to make rules conferring specified jurisdiction and powers of Judge on Registrars or Deputy Registrars.—This clause enables rules of Court to be made authorizing Registrars and Deputy Registrars to exercise such of the jurisdiction and powers of a Judge sitting in Chambers as may be specified in the rules. The clause also repeals section 24 of the principal Act, which is obsolete and inoperative, as no Proclamation exists under that section.

Clause 29: Superannuation allowance of Judges who hold office for less than ten years and retire on attaining the age of seventy-two years.—Section 12 of the Judicature Act, 1908, provides for the superannuation allowance of Judges resigning after attaining the age of sixty years, or for ill-health, after holding office for not less than ten years. Section 12 of the Judicature Amendment Act, 1920, provides for the superannuation allowance of Judges holding office for less than ten years, but not less than five years, and resigning for ill-health. This clause extends the latter section to Judges holding office for less than ten years, but not less than five years, and retiring on attaining the age of seventy-two years.

Land Drainage

Clause 30: Sections to be read with Land Drainage Act, 1908.

Clause 31: Special-works rate over whole district.—This clause enables a Board to make and levy a special-works rate over the whole of its district to meet the cost of any particular work which cannot be met out of the general rate and is too small to justify the raising of a special loan. The total amount of all special-works rates in any one year is not to exceed one-halfpenny in the pound on the capital value of all rateable property in the district, and the Board is required to prepare an estimate of the cost of the proposed work and to give public notice thereof.

Clause 32: Special-works rate over portion of district.—This clause authorizes a Board to make and levy a special-works rate over any defined portion of its district where the work to be carried out is for the special benefit of that particular portion of the district. Where the total proceeds of the rate will not exceed £50, the Board may make and levy the rate by resolution instead of by special order. In all other respects the provisions of the *last preceding* clause relating to special-works rates over the whole district apply to special-works rates under this clause.

Clause 33: Special-works rate to be made upon petition, and may be annually recurring.—No special-works rate is to be made either over the whole district or over a defined portion thereof unless a petition is presented signed by a majority of the ratepayers in the district or, as the case may be, the defined portion of the district. The rate may, if the petition so requests, be levied annually until the work is completed.

Clause 34: Provision as to maximum rate where special-works rate levied on a graduated scale.—Where a special-works rate is levied on a graduated scale the maximum rate that may be made and levied by the Board is not to be deemed to be exceeded if the proceeds derivable therefrom would not exceed the proceeds derivable from the maximum rate on a uniform scale levied on all the rateable property in the district or defined portion, notwithstanding that the rate actually levied on lands in any particular class may exceed the maximum rate prescribed.

Clause 35: Boards may provide dwellings for their employees.—This clause empowers Boards to provide dwellings for their employees, and to raise a loan without taking a poll of ratepayers for the purpose of acquiring land and erecting or purchasing such dwellings.

Land Transfer

Clause 36: Variation of lease by memorandum.—The purpose of this clause is to enable a memorandum of variation of the conditions of a lease to be registered in the same way, and subject to the same provisions, as a memorandum of extension of the term of the lease under section 4 of the Land Transfer Amendment Act, 1939.

Local Government Commission

Clause 37: Section 13 of Local Government Commission Act, 1946 (as to matters provided for in reorganization schemes), amended.—The Local Government Commission Act, 1946, enables the Commission to alter the boundaries of adjoining districts. A “district” is defined in the Act as being “a district of a local authority”. In cases where the Counties Act, 1920, is not in force, and accordingly there is no “local authority”, no adjustment of boundaries with adjoining counties can be made. Also, there is no provision for the inclusion of areas in such districts as rabbit districts or harbour districts. This clause makes the necessary amendment.

Marketing

Clause 38: Marketing Department may fix allowances for services in relation to sale of certain foodstuffs.—Section 6 of the Marketing Amendment Act, 1937, authorizes the Marketing Department to fix wholesale or retail prices for foodstuffs to which that section applies, or to fix margins within which such foodstuffs may be bought or sold. For several years, in reliance on that section, the prices payable to producers of milk intended for town supply have been fixed, and various allowances (known as “service margins”) payable to vendors and others for the collection, treatment, and delivery of such milk have also been fixed. Doubts have arisen as to whether the section authorizes the fixing of these “margins” once a price is fixed for the milk. The purpose of this clause is to make it clear that such allowances may be fixed, and (by *subclause* (2)) to validate the allowances fixed and paid in past years.

Marriage

Clause 39: Sections to be read with Marriage Act, 1908.

Clause 40: Amendments enabling certified copies of registers to be sealed by Registrar-General.—This clause enables the Registrar-General to issue sealed copies of entries in marriage registers which will be accepted as evidence of the contents of the registers. At present each such copy has to be signed personally by the Registrar-General. A similar amendment has already been made in respect of registers of births and deaths.

Clause 41: More than one Registrar of marriages may be appointed for any district.—This clause permits the appointment of more than one Registrar of marriages for any particular district. The district particularly affected is Wellington, where the Cities of Wellington and Lower Hutt are in the Wellington marriage district.

Meat-export Control

Clause 42: Suspension of levy on meat exported from New Zealand.—While the present arrangements for the purchase by the Government of meat exported from New Zealand continue, it is necessary to have legislation suspending the levy on such meat formerly imposed by the Meat-producers

Board and providing instead for annual payments to the Board out of the Meat Industry Account. The existing authority for this course is contained in regulations (Serial No. 1940/27). This clause revokes those regulations and substantially re-enacts their provisions, with the exception of the specified limit of £30,000 and with the addition of power by Order in Council to remove the suspension and revert to the former levy.

Mortgagors and Lessees Rehabilitation

Clause 43: Sections to be read with Mortgagors and Lessees Rehabilitation Act, 1936.

Clause 44: Former Judge of Supreme Court may be appointed Judge of Court of Review.—A number of applications to the Court of Review for the interpretation and amendment of orders made by that Court and by Adjustment Commissions are made to that Court each year under section 49 of the Statutes Amendment Act, 1939. There is at present no Judge of the Court of Review. The object of the present clause is to enable a past Judge of the Supreme Court to be appointed Judge of the Court of Review.

Clause 45: Applications to Court of Review to interpret and amend orders to be made not later than specified date.—The effect of the present clause is to fix the 31st December, 1949, as the latest date for future applications to the Court of Review for the interpretation and amendment of orders.

Partnership

Clause 46: Procedure against partnership property for partner's separate judgment debt.—The purpose of this section is to give to the Magistrate's Court the same jurisdiction as the Supreme Court has to make a charging-order and a receiving-order in respect of a partner's interest in partnership property on the application of a judgment creditor.

Pharmacy

Clause 47: Amending First Schedule to Pharmacy Act, 1939.—The Pharmacy Act, 1939, restricts the sale of certain drugs to pharmacies and certain recognized classes of sellers, but the drugs listed in the First Schedule are exempted from these restrictions and may be sold in any store. The word "vaseline" is a proprietary name for a certain brand of petroleum jelly, and the proprietors of the brand have asked for the removal of the word from the Schedule. As petroleum jelly is also included in the Schedule the word "vaseline" is unnecessary and redundant. The removal of the word by this clause will not prevent any storekeeper from continuing to sell vaseline.

Police Offences

Clause 48: Use of emblem, seal, or name of United Nations for purposes of trade or business.—The General Assembly of the United Nations has recommended that members of the United Nations take such legislative or other appropriate measures as are necessary to prevent the commercial use, without authorization by the Secretary-General, of the emblem, the official seal, or the name of the United Nations, or of abbreviations of that name through the use of its initial letters. This clause gives effect to that recommendation. Similar provisions are made by section 30 of the principal Act as to the improper use of such words as "Anzac".

Rating

Clause 49: Sections to be read with Rating Act, 1925.

Clause 50: Liability of Canterbury Agricultural College and Massey Agricultural College for rates.—The purpose of this section is to grant each of the said colleges exemption for rating purposes in respect of fifty acres of the land it occupies, and to make each college liable for rates on all other lands which it occupies. At present Canterbury Agricultural College has a much greater liability for rates than Massey Agricultural College.

Clause 51: Effect of change in rating system.—Where a local authority previously levying its rates on the basis of the annual value changes to the system of rating on the capital or the unimproved value, the local authority must, under the principal Act, levy its rates, as from the 31st March next following the change, on values in the current district valuation roll. In some cases this roll is due for revision, and roll values bear little or no relationship to actual values, and relative progress or recession of values in different areas of the district leads to unfairness and lack of uniformity in the incidence of rating. The effect of this clause is that in such a case, where the roll has not been revised since 31st March, 1943, the change is not to take effect until a revised roll is supplied by the Valuer-General; but the revision is to take place within one year after the date on which the change would otherwise take effect. The period of three years that is required by section 46 of the principal Act to elapse before a further poll is taken is to run from the date on which the new system of rating comes into force. The clause applies to polls taken on the 19th November, 1947, as well as to future polls.

River Boards

Clause 52: Sections to be read with River Boards Act, 1908.

Clauses 53 to 57: These clauses are identical with clauses 31 to 35 (relating to Land Drainage), and the notes to those clauses apply equally to these.

Rotorua Borough

Clause 58: Empowering Rotorua Borough Council to expend moneys on the entertainment of distinguished visitors.—Under section 17 of the Rotorua Borough Act, 1922, the Council has power to levy a special rate calculated to produce an annual amount of £1,000, the proceeds of which are available for the purposes of advertising the district as a tourist and health resort and providing for the maintenance and development of the thermal areas as tourist and health resorts. The Council has asked for power to expend moneys from the proceeds of the rate on the reception and entertainment of distinguished visitors from overseas. This clause confers the desired authority.

Shipping and Seamen

Clause 59: Sections to be read with Shipping and Seamen Act, 1908.

Clause 60: Evidence against seaman who has deserted from ship.—In desertion cases it is necessary to prove that the offender has broken a contract to serve on the ship. Section 133 (5) of the Shipping and Seamen Act, 1908, enables the contract to be proved after the ship has left New Zealand by the production of a verified copy of the agreement with the crew, and of the entry in the log-book in which the offender's name appears.

The agreement with the crew is usually a lengthy document and is kept on the ship which is often away on its return voyage. The purpose of the present clause is to enable a short certificate by the master of the ship setting out the material points in the agreement with the crew to be produced in evidence instead of a verified copy of the agreement.

Clause 61 : Application of certain safety provisions of principal Act to barges, &c.—There is a growing practice in certain ports of ships towing barges, lighters, and other vessels which have themselves no independent means of propulsion, carrying deadweight cargoes such as sand, shingle, and cement. The purpose of this clause is to apply to such vessels the safety provisions referred to in the clause.

Clause 62 : Section 36 of Shipping and Seamen Amendment Act, 1909, amended.—Section 36 of the 1909 Amendment provides that the position of a load-line on certain ships in river and extended-river limits carrying deadweight cargo is to be fixed by a Surveyor of Ships and by a master mariner appointed by the Minister. The work can now be done satisfactorily by the Department's surveyors without the assistance of master mariners. This clause amends the section accordingly.

Shops and Offices

Clause 63 : Section 11 of Shops and Offices Act, 1921–22 (as to remuneration of assistants), amended.—The minimum rates of wages payable to shop and office assistants have, in the past, been the same as those payable to persons employed in factories. The new minimum rates provided for by subclause (2) of this clause are the same as those specified in section 34 (1) of the Factories Act, 1946; and *subclause (3)* of this clause repeats section 34 (7) of that Act.

Stock

Clause 64 : Sections to be read with Stock Act, 1908.

Clause 65 : Definition of "dip" in relation to sheep.—This clause, by including in the definition of "dip" the use of a pressure-spray as an alternative to the actual dipping of sheep, will make lawful the method of "spray-dipping".

Clause 66 : Disturbance of stock by trespassers with dog or firearm.—The purpose of this clause is to increase the maximum penalty to which trespassers disturbing stock on private land with dog or firearm are liable, and to define "private land" for this purpose. Under the section which is replaced by this clause the maximum fine was £5, and "private land" was not defined.

Town Boards

Clause 67 : Sections to be read with Town Boards Act, 1908.

Clause 68 : Extending power of Boards to make building by-laws (as to resistance to earthquakes).—Town Boards are at present unable to adopt the Standard Code of Building By-laws in full, as their statutory powers are not sufficiently wide. This clause provides the necessary authority, formerly conferred on Borough Councils only.

Clause 69: Section 3 of Town Boards Amendment Act, 1910 (as to special orders), amended.—The purpose of this clause is to reduce from four to two the number of advertisements which a Town Board is required to make in advertising a special order, and to provide that only the purport of the resolution need be publicly notified. The proposed amendment is the same as that made to the Municipal Corporations Act in 1938.

War Pensions

Clause 70: Sections to be read with War Pensions Act, 1943.

Clause 71: Additional War Pensions Boards.—This section provides for the appointment of additional War Pensions Boards, and gives statutory form to Regulation 3 of the War Pensions Emergency Regulations 1944 (Serial No. 1944/107).

Clause 72: Additional War Pensions Appeal Boards.—This section provides for the appointment of additional War Pensions Appeal Boards, and gives statutory form to Regulation 4 of the War Pensions Emergency Regulations 1944.

Clause 73: Revocation of regulations and savings.—This clause revokes the War Pensions Emergency Regulations 1944, and provides that existing additional War Pensions Boards and Appeal Boards shall continue to exist as if appointed under this Act.

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,
25th November, 1947*

Hon. Mr. Mason

STATUTES AMENDMENT

ANALYSIS

| Title. | |
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| 1. Short Title. | |
| <i>Adhesive Stamps</i> | |
| 2. Amending section 15 of Adhesive Stamps Act, 1939 (as to stamps for Island Territories). | 9. Sections to be read with Counties Act, 1920. |
| <i>Annual Holidays</i> | |
| 3. Sections to be read with Annual Holidays Act, 1944. | 10. Travelling expenses of representatives at meetings of Counties Association or ward thereof. |
| 4. Employment may be deemed continuous if worker dismissed and re-employed within one month. | 11. Contributions towards cost and maintenance of public amenities. |
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| 6. Regulations as to honey likely to contain poison. | <i>Destitute Persons</i> |
| <i>Bankruptcy</i> | |
| 7. Bankrupt may select and retain furniture, &c., up to value of £100. Repeal. | 13. Removing limit from amount of maintenance of children. |
| <i>Broadcasting</i> | |
| 8. Extending powers of National Broadcasting Service. Repeal. | <i>Electoral</i> |
| | 14. Section 128 of Electoral Act, 1927 (as to half-holiday on polling-day), extended to by-elections. |
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| | 15. Application of Family Protection Act, 1908, to adopted children and grandchildren. |

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 18. Appointment of honorary rangers.
 19. Honorary Forest officers for particular purposes.
 20. Prohibition of injurious importations.
 21. Miscellaneous amendments.

Government Railways

22. Special provisions as to appeals by servicemen.

Housing

23. Section 10 of Housing Amendment Act, 1940 (as to execution of documents on behalf of Crown for purposes of Housing Act, 1919), amended.

Howard Estate

24. Howard Estate Advisory Board.

Industrial Conciliation and Arbitration

25. Certain conditions of employment of chemists' apprentices may be prescribed in award or industrial agreement. Commencement. Repeal.

Infants

26. Modifying provisions as to consent to adoption of child.

Judicature

27. Sections to be read with Judicature Act, 1908.
 28. Power to make rules conferring specified jurisdiction and powers of Judge on Registrars or Deputy Registrars. Repeal.
 29. Superannuation allowance of Judges who hold office for less than ten years and retire on attaining the age of seventy-two years.

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32. Special-works rate over portion of district.

33. Special-works rate to be made upon petition, and may be annually recurring.

34. Provision as to maximum rate where special-works rates levied on a graduated scale.

35. Boards may provide dwellings for their employees.

Land Transfer

36. Variation of lease by memorandum.

Local Government Commission

37. Section 13 of Local Government Commission Act, 1946 (as to matters provided for in reorganization schemes), amended.

Marketing

38. Marketing Department may fix allowances for services in relation to sale of certain foodstuffs. Commencement.

Marriage

39. Sections to be read with Marriage Act, 1908.
 40. Amendments enabling certified copies of registers to be sealed by Registrar-General.
 41. More than one Registrar of Marriages may be appointed for any district.

Meat-export Control

42. Suspension of levy on meat exported from New Zealand.

Mortgagors and Lessees Rehabilitation

43. Sections to be read with Mortgagors and Lessees Rehabilitation Act, 1936.
 44. Former Judge of Supreme Court may be appointed Judge of Court of Review.
 45. Applications to Court of Review to interpret and amend orders to be made not later than specified date.

Partnership

46. Procedure against partnership property for partner's separate judgment debt.

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| 47. Amending First Schedule to Pharmacy Act, 1939. | 60. Evidence against seaman who has deserted from ship. | |
| <i>Police Offences</i> | | |
| 48. Use of emblem, seal, or name of United Nations for purposes of trade or business. | 61. Application of certain safety provisions of principal Act to barges, &c. | |
| <i>Rating</i> | | |
| 49. Sections to be read with Rating Act, 1925. | 62. Section 36 of Shipping and Seamen Amendment Act, 1909, amended. | |
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| 58. Empowering Rotorua Borough Council to expend moneys on the entertainment of distinguished visitors. | 68. Extending powers of Boards to make building by-laws (as to resistance to earthquakes). | |
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| 59. Sections to be read with Shipping and Seamen Act, 1908. | 69. Section 3 of Town Boards Amendment Act, 1910 (as to special orders), amended. | |
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| | 70. Sections to be read with War Pensions Act, 1943. | |
| | 71. Additional War Pensions Boards. | |
| | 72. Additional War Pensions Appeal Boards. | |
| | 73. Revocation of regulations and savings. | |

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:—

1. This Act may be cited as the Statutes Amendment Act, 1947. Short Title.

Adhesive Stamps

Amending
section 15 of
Adhesive
Stamps Act,
1939 (as to
stamps for
Island
Territories).
1939, No. 10

2. Section fifteen of the Adhesive Stamps Act, 1939, is hereby amended as follows:—

(a) By omitting from subsection one the words “the Cook Islands or in Samoa” and substituting the words “the Cook Islands, Western Samoa, the Tokelau Islands, or any other territory subject to the protection, trusteeship, or authority of the Government of New Zealand”:

(b) By omitting from subsection two the words “in the Cook Islands or Samoa shall form part of the public revenues of the Cook Islands or Samoa, as the case may require”, and substituting the words “in the Cook Islands, Western Samoa, the Tokelau Islands, or other territory subject to the protection, trusteeship, or authority of the Government of New Zealand shall form part of the public revenues of the territory in respect of which the stamps were created”.

Annual Holidays

Sections to be
read with
Annual
Holidays Act,
1944.
1944, No. 5

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

Employment
may be deemed
continuous if
worker
dismissed and
re-employed
within one
month.

4. (1) If the employment of any worker is terminated and the worker is again employed by the same employer at any time within one month after the date of the termination of the employment, the employment of the worker shall for the purposes of the principal Act be deemed to have continued as if the termination had not occurred, unless an Inspector of Factories certifies in writing that he is satisfied that in terminating the employment the employer acted in good faith and not for the purpose of evading or attempting to evade any obligation imposed by the principal Act or any payment required to be made thereunder.

(2) Any employer or worker affected by any determination of an Inspector of Factories under this section may, at any time within *fourteen* days after the communication to him of the Inspector's determination, appeal in the prescribed manner to the Court of Arbitration, and the decision of the Court shall be final and binding on all parties.

- 5
10 **5.** Subsection one of section thirteen of the principal Act, as amended by section six of the Annual Holidays Amendment Act, 1945, is hereby amended by adding the following new paragraph:—

“(e) Buys at a discount any holiday card to which any uncanceled stamp is affixed.”

Offence to buy holiday card at a discount. 1945, No. 20

Apiaries

- 15 **6.** Subsection one of section sixteen of the Apiaries Act, 1927, is hereby amended by inserting, after paragraph (d), the following new paragraph:—

20 “(dd) Prohibiting or regulating the keeping of bees in any specified portion or portions of New Zealand if he has reason to believe that honey produced there is likely to contain poison, and prohibiting or regulating the disposal or use of honey so produced:”.

Regulations as to honey likely to contain poison.

See Reprint of Statutes, Vol. I, p. 60

Bankruptcy

- 25 **7.** (1) Section one hundred and twenty-one of the Bankruptcy Act, 1908, as amended by section eleven of the Bankruptcy Amendment Act, 1927, is hereby further amended by omitting the words “ fifty pounds ” wherever those words occur, and substituting in each
30 case the words “ *one hundred pounds* ”.

Bankrupt may select and retain furniture, &c., up to value of £100.

See Reprint of Statutes, Vol. I, p. 542 1927, No. 41

(2) Section eleven of the Bankruptcy Amendment Act, 1927, is hereby consequentially repealed.

Repeal.

Broadcasting

- 35 **8.** (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).

Extending powers of National Broadcasting Service. 1936, No. 15

(2) The powers conferred on the Minister by section four of the principal Act shall be deemed to include power—

- (a) To use the facilities and equipment of the broadcasting service in such manner as he thinks fit for the purpose of promoting and assisting in the development and carrying on of those arts and cultural pursuits which are usually included in the purpose of broadcasting: 5
- (b) To organize and present concerts and entertainments for the general public, notwithstanding that the concerts or entertainments may not be broadcast: 10
- (c) To organize and present concerts and entertainments for persons in hospitals and other similar institutions: 15
- (d) To organize and present concerts and entertainments for members of His Majesty's Naval, Military, or Air Forces in New Zealand or elsewhere, or for members of any other Forces for the time being lawfully present in New Zealand: 20
- (e) 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: 25
- (f) To collaborate with any society, association or body of persons not formed for the purpose of pecuniary gain, for any of the foregoing purposes. 30

1943, No. 20

(3) Subsection one of section thirteen of the principal Act, as amended by subsection three of section three of the Statutes Amendment Act, 1943, is hereby further amended by omitting from paragraph (a) the words " or for the purpose of developing and improving broadcast talent ", and substituting the words " or for the purpose of the exercise of the powers conferred on the Minister by this Act ". 35

Repeal.

(4) Section three of the Statutes Amendment Act, 1943, is hereby repealed. 40

Serial number
1942/273

(5) The Broadcasting Emergency Regulations 1942 are hereby revoked.

Counties

9. 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).

Sections to be read with Counties Act, 1920.

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

10. Section one hundred and thirty-two of the principal Act is hereby amended as follows:—

Travelling-expenses of representatives at meetings of Counties Association or ward thereof.

(a) By omitting the words “(not exceeding forty pounds in any year)”:

10 (b) By adding the words “or any ward thereof”.

11. Subsection one of section one hundred and ninety-eight of the principal Act is hereby amended by omitting the words “and public libraries”, and substituting the words “public libraries and other public amenities”.

Contributions towards cost and maintenance of public amenities.

12. (1) In addition to the powers to make by-laws conferred by the principal Act or any other Act, a Council may make by-laws regulating and controlling the design and construction of buildings in relation to their resistance to earthquake shocks.

Extending powers of County Councils to make building by-laws (as to resistance to earthquakes).

(2) In any case where a Council does not within *three* months after the passing of this Act make by-laws under this section, the Governor-General may by Order in Council make regulations for such purposes as aforesaid, and all regulations so made shall for all purposes be deemed to be and have the same force and effect as by-laws made by that Council.

Destitute Persons

13. The Destitute Persons Act, 1910, is hereby amended as follows:—

Removing limit from amount of maintenance of children. See Reprint of Statutes, Vol. II, p. 896

(a) By omitting from subsection three of section eight the words “at a rate not exceeding twenty-one shillings a week”:

35 (b) By omitting from subsection two of section sixteen, and also from subsection five of section twenty-six, the words “not exceeding twenty-one shillings a week”.

Electoral

Section 128
of Electoral
Act, 1927
(as to half-
holiday on
polling-day),
extended to
by-elections.
See Reprint
of Statutes,
Vol. VI, p. 521
1946, No. 40

14. (1) Section one hundred and twenty-eight of the Electoral Act, 1927, as amended by section twenty-six of the Statutes Amendment Act, 1946, is hereby further amended as follows:—

(a) By inserting in subsection one, before the word “election”, the word “general”:

(b) By inserting, after subsection one, the following new subsection:—

“(1A) Subject to the provisions of this section, on the polling-day at any by-election every employer shall allow every worker in his employment in any electoral district who is an elector of the electoral district in which the by-election is being held to leave his work not later than two o’clock in the afternoon for the remainder of the day, and it shall not be lawful for any employer to make any deduction from any remuneration payable to any such worker in respect of any time after the time of his leaving his work as aforesaid.”:

(c) By adding to subsection two the words “This subsection shall apply throughout New Zealand in the case of a general election, and shall apply in the particular electoral district concerned in the case of a by-election”.

(2) The By-elections Emergency Regulations 1947 are hereby revoked.

Serial number
1947/74

Family Protection

Application
of Family
Protection
Act, 1908, to
adopted
children and
grandchildren.
See Reprint
of Statutes,
Vol. III,
p. 292
1943, No. 20

15. (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).

(2) For the purposes of section thirty-three of the principal Act and of section fourteen of the Statutes Amendment Act, 1943, the term “children”, in relation to any testator or other deceased person, shall be deemed to include:—

(a) Adopted children of the deceased person:

(b) Children (including adopted children) of any child (including an adopted child) of the deceased person who has died before the deceased person.

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

10 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 virtue of this section, or by reason of any order made on any such application.

Fisheries

15 **16.** Section fifty-six of the Fisheries Act, 1908, is hereby amended by inserting in subsection one, after the words " attached thereto ", the words " or any fished or fish-factory, or any premises, not being a dwellinghouse, where fish or oysters are stored, treated, dressed, canned, or frozen, or any ".

Entry on premises to search for fish or oysters illegally taken. See Reprint of Statutes, Vol. III, p. 364

Forests

20 **17.** This section and the next *four* succeeding sections shall be read together with and deemed part of the Forests Act, 1921-22 (in those sections referred to as the principal Act).

Sections to be read with Forests Act, 1921-22. See Reprint of Statutes, Vol. III, p. 425

25 **18.** (1) Section ten of the principal Act is hereby amended as follows:—

Appointment of honorary rangers.

(a) By omitting the words " such honorary rangers as he thinks fit ", and substituting the words " such persons as he thinks fit to be honorary rangers, in a part-time capacity,":

30 (b) By omitting the words " and all persons so appointed shall be deemed to be Forest officers within the meaning of this Act ".

35 (2) The said section ten is hereby further amended by adding the following as subsections two to four thereof:—

" (2) Every person appointed under this section shall be appointed for such term, not exceeding three years, as the Minister thinks fit, and may from time

to time be reappointed, or may at any time be removed from office by the Minister for incapacity, neglect of duty, or misconduct, or may at any time resign his office by writing addressed to the Minister.

“(3) Every person appointed under this section shall hold office only in respect of an area to be determined by the Minister. The nature of his functions and duties may be defined by the Conservator of Forests for the conservancy in which his functions and duties are to be exercised.

“(4) No person appointed under this section shall be deemed by virtue of such appointment to be an employee of the Crown or an officer of the State Forest Service, and nothing in the Public Service Act, 1912, shall apply with respect to any such appointment.”

(3) Every person, not being an officer of the State Forest Service, who on the passing of this Act holds an appointment as an honorary ranger under the principal Act shall on the thirty-first day of March, nineteen hundred and forty-eight, be deemed to have ceased to hold that appointment.

19. (1) The power conferred on the Minister by section ten of the principal Act, as amended by the *last preceding* section, is hereby extended to authorize the Minister to appoint persons who are not officers of the State Forest Service to act in a part-time capacity as honorary Forest officers for particular purposes.

(2) The functions and duties of every person appointed under this section shall be such as are from time to time determined by the Minister.

(3) Subject to the provisions of subsection *two* of this section, the provisions of section ten of the principal Act, as amended by the *last preceding* section, shall, so far as applicable and with the necessary modifications, apply with respect to every person appointed under this section.

20. (1) The authority to make regulations conferred upon the Governor-General by the principal Act, as extended by section twenty-nine of the Statutes Amendment Act, 1941, is hereby further extended to authorize the making of regulations prohibiting, either absolutely

See Reprint
of Statutes,
Vol. VII, p. 522

Honorary
Forest officers
for particular
purposes.

Prohibition of
injurious
importations.
1941, No. 26

or except in accordance with the regulations, the importation into New Zealand, either generally or from any specified country, part of a country, port, or place, of any tree-seed, timber, or timber product which, in the
5 opinion of the Minister, may introduce into New Zealand any insect, fungus, bacterium, or virus, in any of the life stages of those agencies, that might be injurious to or cause an unhealthy condition in any tree, timber, or other forest product.

10 (2) Any regulations under this section may provide that it shall be necessary to obtain a permit from the Minister for the importation into New Zealand of any tree-seed, timber, or timber product, and that the
15 Minister, in his discretion, may refuse any application for a permit, or may grant the application wholly or partly and either unconditionally or upon or subject to such conditions as he thinks fit.

(3) Any regulations under this section may—

20 (a) Appoint any specified ports or other places to be the only ports or places of entry for tree-seed, timber, or timber products:

(b) Appoint quarantine grounds or depots where tree-seed, timber, or timber products, and packages containing them or with which they
25 have or may have come into contact, may be detained for the purpose of observation or for the purpose of being inspected, treated, disinfected, destroyed, or otherwise disposed of:

30 (c) Authorize Forest officers and such other persons as may from time to time be given authority in that respect to act as quarantine officers for the purposes of the regulations, and confer on quarantine officers so authorized such powers and authorities as are deemed necessary to enable them to carry out the requirements of the regulations:

35 (d) Prescribe the charges that may be made for the handling, treatment, disinfection, destruction, or other disposal of tree-seeds, timber, or
40 timber products which are found upon inspection to require such handling, treatment, disinfection, destruction, or other disposal:

(e) Contain such other powers and authorities as may be necessary or expedient for giving full effect to the provisions of this section and for the due administration thereof.

(4) Nothing in this section shall affect the operation of the provisions of the Orchard and Garden Diseases Act, 1928. 5

See Reprint of Statutes, Vol. I, p. 136

Miscellaneous amendments.

21. The principal Act is hereby amended as follows:—

(a) By repealing subsection four of section seven: 10

(b) By repealing subsection four of section nine:

(c) By omitting from section eleven the words “ the Director and the Chief Inspector or ”.

Government Railways

22. (1) This section shall be read together with and deemed part of the Government Railways Act, 1926. 15

(2) Any member of the Government Railways Department who has rendered full-time service in connection with the war (whether before or after the commencement of this Act) as a member of any of His Majesty's Naval, Military, or Air Forces shall have a right of appeal in accordance with section eleven of the Government Railways Amendment Act, 1927, as modified by this section, against any appointment made pursuant to an appeal that has been allowed at any time after he commenced his full-time service in any of His Majesty's Forces. 20 25

(3) Notice of an appeal under the said section eleven, as extended by this section, by any member who has rendered full-time service in connection with the war (whether before or after the commencement of this Act) as a member of any of His Majesty's Forces may be forwarded to the General Manager of Railways within twenty-one days after the member has resumed duty with the Department or within such extended time as the General Manager may in any case allow. 30 35

(4) For the purposes of any appeal under this section or the said section eleven the fact that any person has at any time since the third day of September, nineteen hundred and thirty-nine, been absent from duty in the Department by reason of service in any 40

Special provisions as to appeals by servicemen.

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

Ibid., p. 879

of His Majesty's Forces in connection with the war or by reason of service in any other Government Department on account of causes arising out of the war shall not be taken into account in determining his experience
 5 or his efficiency or his suitability for appointment to any position for which he would have been eligible if he had not been absent from duty.

Housing

10 **23.** Section ten of the Housing Amendment Act, 1940, is hereby amended by adding to subsection one the words " or by the Minister of Works, or by any person authorized by the Minister in that behalf either generally or in respect of any specified deed or document or of any specified class or classes of deeds or
 15 documents "

Section 10 of Housing Amendment Act, 1940 (as to execution of documents on behalf of Crown for purposes of Housing Act, 1919), amended. 1940, No. 14

Howard Estate

24. Section two of the Howard Estate Amendment Act, 1927, is hereby amended by omitting paragraph (a) of subsection three, and substituting the following
 20 paragraph:—

Howard Estate Advisory Board. 1927, No. 55

25 " (a) One member on the joint recommendation of the Hawke's Bay Provincial Executive and the Southern Hawke's Bay Provincial Executive of Federated Farmers of New Zealand (Incorporated): "

Industrial Conciliation and Arbitration

25. (1) This section shall be read together with and deemed part of the Industrial Conciliation and Arbitration Act, 1925.

Certain conditions of employment of chemists' apprentices may be prescribed in award or industrial agreement.

30 (2) Notwithstanding anything to the contrary in section seventeen of the Apprentices Act, 1923, or in any other enactment, any award or industrial agreement may prescribe, in respect of apprentices serving under articles of apprenticeship as apprentices of
 35 chemists of any of the classes referred to in paragraph (a) of subsection one of section eleven of the Pharmacy Act, 1939, any of the following matters, namely:—

See Reprint of Statutes, Vol. III, p. 939
 Ibid., Vol. V, p. 586
 1939, No. 33

(a) The period of their apprenticeship (being a period of not less than four years):

- (b) The rates of wages payable to them:
- (c) The rates payable for overtime:
- (d) The hours of their employment:
- (e) The holidays to which they are entitled.

(3) On the coming into force of any provision in any award or industrial agreement prescribing any of the aforesaid matters, the following provisions shall apply:—

(a) Any regulations made under section forty-four of the Pharmacy Act, 1939, shall, in respect of apprentices to whom the award or industrial agreement applies, cease to have effect in so far as the regulations prescribe matters which are prescribed in the award or industrial agreement, and no further regulations shall thereafter be made prescribing those matters in respect of those apprentices: 10

(b) While the said provision continues in force all articles of apprenticeship, being articles binding such apprentices as aforesaid, which are in force when the said provision comes into force or are entered into at any time thereafter shall be read subject to the said provision and shall be deemed to be modified thereby accordingly. 15 25

Commencement.

(4) This section shall be deemed to have come into force on the twelfth day of October, nineteen hundred and forty-six (being the date of the passing of the Statutes Amendment Act, 1946).

1946, No. 40

Repeal.

(5) This section is in substitution for section thirty-eight of the Statutes Amendment Act, 1946, and that section is hereby accordingly repealed. 30

Infants

Modifying provisions as to consent to adoption of child.

See Reprint of Statutes, Vol. III, p. 1075

26. (1) For the purposes of section eighteen of the Infants Act, 1908 (which relates to the consents required before the adoption of a child), the term "parents"— 35

(a) In the case of an illegitimate child, shall be deemed not to include the natural father of the child: 40

(b) In the case of a child that has previously been adopted by an adoption order which is still in force, shall be deemed to mean the adoptive parent or parents of the child for the time being, and not to include the natural parents of the child or his adoptive parents under any previous adoption that is not for the time being in force.

(2) Notwithstanding anything in subsection *one* of this section, the Judge may in any case require the consent of any such natural father, natural parent, or adoptive parent if in his opinion it is expedient in the special circumstances of the case so to do.

(3) Where a second or subsequent adoption order is made in respect of the same child the second or subsequent adoption order shall be deemed to vacate any previous order.

(4) No adoption order made before the passing of this section in respect of a child shall be invalid because a previous order in respect of that child had not been discharged.

Judicature

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

Sections to be read with Judicature Act, 1908. See Reprint of Statutes, Vol. II, p. 60

28. (1) This section shall be deemed part of Part I of the principal Act.

(2) Notwithstanding anything contained in the principal Act or any other Act, but subject to the provisions of this section, the power to make rules of Court under section three of the Judicature Amendment Act, 1930, shall include power to make rules conferring on Registrars and Deputy Registrars, subject to such limitations and restrictions as may be specified in the rules, such of the jurisdiction and powers of a Judge sitting in Chambers, conferred by the principal Act or any other Act, as may be specified in the rules, and to make such other rules as may be necessary to enable the proper exercise by Registrars and Deputy Registrars of the jurisdiction and powers so conferred.

Power to make rules conferring specified jurisdiction and powers of Judge on Registrars or Deputy Registrars. Ibid., p. 97

(3) Any jurisdiction and any powers conferred by any rules under this section may by those rules be conferred on specified Registrars or Deputy Registrars or any specified class or classes of Registrars or

Deputy Registrars, or on Registrars or Deputy Registrars for any specified district or districts or for any specified part or parts of any such district or districts.

(4) Where any matter in respect of which he has jurisdiction under such rules appears to the Registrar or Deputy Registrar to be one of special difficulty he may refer the matter to a Judge, who may dispose of the matter or may refer it back to the Registrar or Deputy Registrar with such directions as he thinks fit. 5

(5) Any party affected by any order or decision made by any Registrar or Deputy Registrar under this section may apply to a Judge in Chambers to vary or rescind the order or decision. 10

(6) Nothing in this section or in any rules under this section shall prevent the exercise by any Judge of any jurisdiction or powers conferred on any Registrar or Deputy Registrar by any such rules. 15

Repeal. (7) This section is in substitution for section twenty-four of the principal Act, and that section is hereby accordingly repealed. 20

Superannuation allowance of Judges who hold office for less than ten years and retire on attaining the age of seventy-two years. 29. Section two of the Judicature Amendment Act, 1920, is hereby amended by omitting the words "and who satisfies", and substituting the words "and who retires on attaining the age of seventy-two years or satisfies". 25

Land Drainage

Sections to be read with Land Drainage Act, 1908. See Reprint of Statutes, Vol. IV, p. 466. 30. This section and the next *five* succeeding sections shall be read together with and deemed part of the Land Drainage Act, 1908 (in those sections referred to as the principal Act). 30

Special-works rate over whole district. 31. (1) Subject to the provisions of section *thirty-three* of this Act, where it appears to any Board that any particular work the Board is authorized to execute will benefit the whole district, but that the cost thereof cannot conveniently be defrayed out of the general rates, the Board may by special order make and levy a special-works rate on all property within the district liable to be rated in respect thereof under the principal Act for the purpose of defraying the expenses incurred in executing the work. 35

(2) Save as provided in section *thirty-four* of this Act, the total amount of all special-works rates made for any one year in the district shall not exceed one half-penny in the pound on the capital value of all property in the district which is rateable property within the meaning of the Rating Act, 1925, or its equivalent on the unimproved value or annual value. 40 45

See Reprint of Statutes, Vol. VII, p. 977

(3) Before making any such rate the Board shall cause an estimate to be prepared of the cost of the proposed work and the amount of the rate proposed to be levied, and shall give thirty days' public notice
5 thereof.

(4) From the proceeds of every special-works rate there may be deducted such sum as in the opinion of the Board is necessary to defray the cost of making and levying the rate and of the supervision and clerical
10 work necessary in connection with the expenditure thereof.

(5) The amount so deducted shall form part of the ordinary revenue of the Board.

(6) The remainder of the special-works rate shall
15 be applied towards the expense of the work for the execution of which it was levied.

32. Subject to the provisions of section *thirty-three* Special-works rate over portion of district.
of this Act, where it appears to any Board that any work which the Board is authorized to execute is for the
20 special benefit of any particular portion of the district, the Board may in like manner, for defraying the expenses incurred in executing the work, by special order defining such portion, make and levy a special-works rate on all property within the portion so defined,
25 subject to the same limitations and conditions as mentioned in the *last preceding* section, save that the public notice in any case under this section shall contain a description of the portion of the district in which the rate is proposed to be levied:

30 Provided that where the total proceeds of any such rate will not exceed *fifty* pounds in any year the Board may, instead of proceeding by special order, make and levy the rate by resolution at any meeting of which at least *fourteen* days' public notice has been given.

35 **33.** (1) No special order shall be made under either of the *last two preceding* sections unless there is first presented to the Board a petition signed by a majority of the ratepayers within the district or the defined portion of the district over which it is proposed to levy
40 the rate. Special-works rate to be made upon petition, and may be annually recurring.

(2) Any special-works rate may, if the petition so requests, be made as an annually recurring rate, leviable year by year without further petition by the rate-payers and without further proceeding on the part of the Board until the work is completed. 5

Provision as to maximum rate where special-works rates levied on a graduated scale.

34. Where any special-works rate so levied by the Board is levied on a graduated scale according to a classification of the rateable property upon which the rate is to be levied, the maximum rate prescribed by section *thirty-one* of this Act shall not be deemed to be exceeded if the proceeds derivable from the rate levied on the graduated scale would not exceed the proceeds from the maximum rate on a uniform scale levied on all the rateable property in the district or, as the case may require, in the defined portion thereof, notwithstanding that the rate actually levied on the lands comprised in any class of such rateable property may exceed the maximum rate prescribed as aforesaid. 10 15

Boards may provide dwellings for their employees.

35. (1) Any Board may—

- (a) Acquire land and erect dwellings thereon for disposal under this section: 20
- (b) Erect dwellings for disposal under this section on any land which is the property of the Board and which is not held in trust for any special purpose: 25
- (c) Purchase any land with dwellings thereon for disposal under this section.

(2) All land, and the dwellings thereon, disposed of under this section shall be disposed of by way of sale or lease to persons employed in the service of the Board. 30

(3) In the event of any dwelling acquired or erected by the Board for the purposes of this section being no longer required for those purposes, the Board may sell, let, exchange, or otherwise dispose of it in such manner and on such terms as the Board thinks fit. 35

(4) The Board may from time to time borrow moneys by way of special loan under the Local Bodies' Loans Act, 1926, by special order, and without taking the steps prescribed by sections nine to thirteen of that 40

See Reprint of Statutes, Vol. V, p. 569

Act, for the purpose of acquiring land and erecting or purchasing dwellings in exercise of the powers conferred by this section.

Land Transfer

5 36. Section four of the Land Transfer Amendment Act, 1939, is hereby amended as follows:—

Variation of lease by memorandum.

(a) By inserting, after subsection three, the following new subsection:—

See Reprint of Statutes, Vol. VII, p. 1162 1939, No. 7

10 “(3A) Notwithstanding that the term of the lease is not extended, the covenants, conditions, and restrictions contained or implied in any lease may be expressly varied, negatived, or added to by a memorandum of variation in the Form M in the First Schedule to this Act (with the necessary modifications) signed by the lessor and the lessee for the time being and registered before the expiry of the then current term of the lease.”:

15 (b) By inserting, after the words “ memorandum of extension ” in subsection four and the proviso thereto and in subsection five, the words “ or memorandum of variation ”.

Local Government Commission

25 37. Section thirteen of the Local Government Commission Act, 1946, is hereby amended by adding to subsection one the following new paragraph:—

Section 13 of Local Government Commission Act, 1946 (as to matters provided for in reorganization schemes), amended. 1946, No. 28

“(h) The inclusion in any district of any area adjoining that district.”

Marketing

30 38. (1) This section shall be read together with and deemed part of the Marketing Act, 1936.

Marketing Department may fix allowances for services in relation to sale of certain foodstuffs. 1936, No. 5 1937, No. 21

35 (2) The power conferred on the Marketing Department by section six of the Marketing Amendment Act, 1937, to fix margins within which any foodstuffs to which that section applies may be bought or sold shall be deemed to include power to fix rates of allowances

to be made in respect of the collection and distribution of any such foodstuff for purchase or sale and in respect of other services performed in relation thereto, including the treatment, cleansing, pasteurization, cooling, refrigeration, bottling, packing, or other preparation of the foodstuff for consumption or use; and for the purposes of the said section six and of any notice thereunder the term "margin" shall be deemed to include any rate of allowance so fixed. 5

(3) Any such rate of allowance may be fixed under the said section six notwithstanding that any wholesale or retail price is fixed in respect of the same foodstuff under that section. 10

Commencement.

(4) This section shall be deemed to have come into force on the *first day of September*, nineteen hundred and forty-four. 15

Marriage

Sections to be read with Marriage Act, 1908. See Reprint of Statutes, Vol. III, p. 826

39. This section and the next *two* succeeding sections shall be read together with and deemed part of the Marriage Act, 1908 (in those sections referred to as the principal Act). 20

Amendments enabling certified copies of registers to be sealed by Registrar-General.

40. (1) The principal Act is hereby amended as follows:—

(a) By inserting in subsection one of section forty, after the words "Registrar-General's hand", the words "or under his seal": 25

(b) By inserting in subsection two of section forty, after the words "signed by him", the words "or purporting to be sealed by him or stamped with his seal": 30

(c) By inserting in subsection one of section forty-three, after the words "signed by him", the words "or purporting to be sealed by him or stamped with his seal":

(d) By omitting from the Second Schedule the words "For the same, under the seal of the Registrar .. 0 5 0", and the words 35

“ For the same, under the seal of the Registrar-General . . . 0 5 0 ”.

(2) The Marriage Amendment Act, 1946, is hereby amended as follows:—

- 5 (a) By omitting from section five the words “ certified by the Registrar-General ”, and substituting the words “ certified under the Registrar-General’s hand or under his seal ”:
- 10 (b) By inserting, in section six, after the words “ signed by the Registrar-General ”, the words “ or sealed by him or stamped with his seal ”.

41. Notwithstanding anything in the principal Act, more than one Registrar may be appointed for any district constituted under that Act.

More than one Registrar of Marriages may be appointed for any district.

Meat-export Control

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

20 (2) The operation of section thirteen of the principal Act (which relates to a charge by way of levy on all meat exported from New Zealand) is hereby suspended.

25 (3) For the purpose of providing funds to enable the New Zealand Meat-producers Board to carry out its functions there shall in each financial year, while the suspension imposed by the *last preceding* subsection continues in force, be paid to the Board out of moneys in the Meat Industry Account such sum as may be appropriated by Parliament for the purpose.

30 (4) The Governor-General may at any time, by Order in Council, declare the suspension imposed by this section on the operation of the said section thirteen to be removed as from a date to be specified in that behalf in the Order in Council. As from the date so specified, the provisions of the said section thirteen shall operate accordingly and the provisions of the *last preceding* subsection shall cease to apply.

Suspension of levy on meat exported from New Zealand.

See Reprint of Statutes, Vol. VIII, p. 649

Serial number
1940/27

(5) The Meat-export Control Act (Partial Suspension) Regulations 1940 are hereby revoked.

Mortgagors and Lessees Rehabilitation

Sections to be
read with
Mortgagors
and Lessees
Rehabilitation
Act, 1936.
1936, No. 33

43. This section and the next *two* succeeding sections shall be read together with and deemed part of the Mortgagors and Lessees Rehabilitation Act, 1936 (in those sections referred to as the principal Act). 5

Former
Judge of
Supreme
Court may be
appointed
Judge of
Court of
Review.

44. The Governor-General may from time to time appoint any former Judge of the Supreme Court to be the Judge of the Court of Review for such term as the Governor-General may determine, and the provisions of sections twelve and fourteen of the principal Act shall not apply to any former Judge of the Supreme Court so appointed. 10

Applications
to Court of
Review to
interpret and
amend orders
to be made
not later
than specified
date.
1939, No. 39

45. Section forty-nine of the Statutes Amendment Act, 1939, is hereby amended by omitting from subsection two the words "on the application of", and substituting the words "on an application made not later than the thirty-first day of December, nineteen hundred and forty-nine by". 15

Partnership

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Procedure
against
partnership
property for
partner's
separate
judgment
debt.
See Reprint
of Statutes,
Vol. VI, p. 622

46. Section twenty-six of the Partnership Act, 1908, is hereby amended by inserting, after subsection two, the following subsection:—

"(2A) On the application of any judgment creditor who has obtained in, or removed into, the Magistrate's Court a judgment, order, or decree for the payment of a sum of money, a Magistrate's Court may make any order that may be made by the Supreme Court under this section." 25

Pharmacy

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Amending
First Schedule
to Pharmacy
Act, 1939.
1939, No. 33

47. The Pharmacy Act, 1939, is hereby amended by omitting from Part I of the First Schedule the word "Vaseline".

Police Offences

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

Use of emblem, seal, or name of United Nations for purposes of trade or business.

5 (2) Every person commits an offence and shall be liable on summary conviction to a fine not exceeding ten pounds who uses in connection with any trade or business the emblem, the official seal, or the name of the United Nations, or any abbreviation or variation of that name, or any word or words that may incorporate that name, abbreviation, or variation, unless he
10 proves that he has been authorized to do so by the Secretary-General of the United Nations.

See Reprint of Statutes, Vol. II, p. 500

Rating

15 49. This section and the next two succeeding sections shall be read together with and deemed part of the Rating Act, 1925 (in those sections referred to as the principal Act).

Sections to be read with Rating Act, 1925.

See Reprint of Statutes, Vol. VII, p. 977

20 50. (1) Section two of the principal Act is hereby amended by omitting paragraph (h) of the exceptions to the definition of the expression "rateable property", and substituting the following paragraph:—

Liability of Canterbury Agricultural College and Massey Agricultural College for rates.

25 " (h) Lands, not exceeding in each case fifty acres in extent, and buildings erected thereon of which Canterbury Agricultural College or Massey Agricultural College is the occupier:—

30 (2) Notwithstanding anything contained in the principal Act, all lands of which either college is the occupier, being lands to which paragraph (h) of the exceptions to the said definition (as enacted by sub-section one of this section) does not apply, shall be deemed to be rateable property for the purposes of the principal Act.

35 51. (1) Notwithstanding anything to the contrary in the principal Act, in any case where, following a resolution of a local authority under section four of the principal Act, or following the carrying in any district of a proposal under sections thirty-nine to

Effect of change in rating system.

forty-seven of the principal Act either to adopt the system of rating on the unimproved value or to rescind the system of rating on the unimproved value, the rates would thereafter be required to be made and levied in any district either on the capital values or the unimproved values appearing on a valuation roll supplied by the Valuer-General and compiled from a district valuation roll wherein the values were revised as at a date earlier than the thirty-first day of March, nineteen hundred and forty-three, the change in the system of rating then subsisting shall take effect as at the date at which the next revision of the district valuation roll is thereafter directed to be made pursuant to the provisions of section eight of the Valuation of Land Act, 1925:

See Reprint
of Statutes,
Vol. VII,
p. 1034

Provided that in every case to which this section applies such revision as aforesaid shall be made as at a date not later than one year after the date at which, but for the provisions of this section, the change in the rating system would have taken effect.

(2) In every case where an adopting proposal or a rescinding proposal to which the *last preceding* subsection applies is carried, the period of three years referred to in section forty-six of the principal Act shall be deemed to commence on the day at which the change in the rating system takes effect pursuant to the provisions of the *last preceding* subsection.

(3) The provisions of this section shall apply with respect to any poll taken on the nineteenth day of November, nineteen hundred and forty-seven, either to adopt or to rescind the system of rating on the unimproved value, as well as with respect to polls taken after the passing of this Act.

Repeal.

(4) Section forty-seven of the principal Act is hereby repealed.

River Boards

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

Sections to
be read
with River
Boards Act,
1908.
See Reprint
of Statutes,
Vol. IV, p. 513

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53. (1) Subject to the provisions of section *fifty-five* of this Act, where it appears to any Board that any particular work the Board is authorized to execute will benefit the whole district, but that the cost thereof cannot conveniently be defrayed out of the general rates, the Board may by special order make and levy a special-works rate on all property within the district liable to be rated in respect thereof under the principal Act for the purpose of defraying the expenses incurred in executing the work.

Special-works
rate over
whole district.

(2) Save as provided in section *fifty-six* of this Act, the total amount of all special-works rates made for any one year in the district shall not exceed one half-penny in the pound on the capital value of all property in the district which is rateable property within the meaning of the Rating Act, 1925, or its equivalent on the unimproved value or annual value.

See Reprint
of Statutes,
Vol. VII,
p. 977

(3) Before making any such rate the Board shall cause an estimate to be prepared of the cost of the proposed work and the amount of the rate proposed to be levied, and shall give thirty days' public notice thereof.

(4) From the proceeds of every special-works rate there may be deducted such sum as in the opinion of the Board is necessary to defray the cost of making and levying the rate and of the supervision and clerical work necessary in connection with the expenditure thereof.

(5) The amount so deducted shall form part of the ordinary revenue of the Board.

(6) The remainder of the special-works rate shall be applied towards the expense of the work for the execution of which it was levied.

54. Subject to the provisions of section *fifty-five* of this Act, where it appears to any Board that any work which the Board is authorized to execute is for the special benefit of any particular portion of the district, the Board may in like manner, for defraying the expenses incurred in executing the work, by special order defining such portion, make and levy a special-works rate on all property within the portion so defined, subject to the same limitations and conditions as mentioned in the *last preceding* section, save that the

Special-works
rate over
portion of
district.

public notice in any case under this section shall contain a description of the portion of the district in which the rate is proposed to be levied:

Provided that where the total proceeds of any such rate will not exceed *fifty* pounds in any year the Board may, instead of proceeding by special order, make and levy the rate by resolution at any meeting of which at least *fourteen* days' public notice has been given. 5

Special-works rate to be made upon petition, and may be annually recurring.

55. (1) No special order shall be made under either of the *last two preceding* sections unless there is first presented to the Board a petition signed by a majority of the ratepayers within the district or the defined portion of the district over which it is proposed to levy the rate. 10

(2) Any special-works rate may, if the petition so requests, be made as an annually recurring rate, leviable year by year without further petition by the ratepayers and without further proceeding on the part of the Board until the work is completed. 15

Provision as to maximum rate where special-works rates levied on a graduated scale.

56. Where any special-works rate so levied by the Board is levied on a graduated scale according to a classification of the rateable property upon which the rate is to be levied, the maximum rate prescribed by section *fifty-three* of this Act shall not be deemed to be exceeded if the proceeds derivable from the rate levied on the graduated scale would not exceed the proceeds from the maximum rate on a uniform scale levied on all the rateable property in the district or, as the case may require, in the defined portion thereof, notwithstanding that the rate actually levied on the lands comprised in any class of such rateable property may exceed the maximum rate prescribed as aforesaid. 20 25 30

Boards may provide dwellings for their employees.

57. (1) Any Board may—

- (a) Acquire land and erect dwellings thereon for disposal under this section: 35
- (b) Erect dwellings for disposal under this section on any land which is the property of the Board and which is not held in trust for any special purpose:
- (c) Purchase any land with dwellings thereon for disposal under this section. 40

- (2) All land, and the dwellings thereon, disposed of under this section shall be disposed of by way of sale or lease to persons employed in the service of the Board.
- 5 (3) In the event of any dwelling acquired or erected by the Board for the purposes of this section being no longer required for those purposes, the Board may sell, let, exchange, or otherwise dispose of it in such manner and on such terms as the Board thinks fit.
- 10 (4) The Board may from time to time borrow moneys by way of special loan under the Local Bodies' Loans Act, 1926, by special order, and without taking the steps prescribed by sections nine to thirteen of that Act, for the purpose of acquiring land and erecting or
- 15 purchasing dwellings in exercise of the powers conferred by this section.

See Reprint
of Statutes,
Vol. V, p. 360

Rotorua Borough

58. Subsection two of section seventeen of the Rotorua Borough Act, 1922, is hereby amended by
- 20 inserting, after the words "health resort", the words "and of meeting the cost of the reception and entertainment of distinguished visitors from overseas".

Empowering
Rotorua
Borough
Council to
expend moneys
on the
entertainment
of distinguished
visitors.
1922, No. 9

Shipping and Seamen

59. This section and the next *three* succeeding sections shall be read together with and deemed part of
- 25 the Shipping and Seamen Act, 1908 (in those sections referred to as the principal Act).

Sections to be
read with
Shipping and
Seamen Act,
1908.

See Reprint
of Statutes,
Vol. VIII,
p. 249

60. Section one hundred and thirty-three of the Shipping and Seamen Act, 1908, is hereby amended by
- 30 omitting from subsection five all words after the words "upon the hearing of the charge", and substituting the following words: "a certificate signed by the master of the ship stating that the offender was bound by a contract to serve on the ship, giving his name, the
- 35 duration of the contract, and short particulars of the voyage, and setting out a copy of the entry in the log-book in which the offender's name appears, shall be admitted as evidence against him".

Evidence
against
seaman who
has deserted
from ship.

Application of certain safety provisions of principal Act to barges, &c.

61. Notwithstanding anything contained in the principal Act, the following provisions of the principal Act—namely, section one hundred and twenty-two (which relates to accommodation of seamen), section one hundred and ninety-one (which relates to the collision regulations), section one hundred and ninety-seven (which relates to rules for life-saving appliances), and section two hundred and eight (which relates to load-lines and discs)—and the provisions of section thirty-six of the Shipping and Seamen Amendment Act, 1909 (which relates to load-lines and discs on certain ships in river and extended-river limits), shall, so far as applicable and with the necessary modifications, apply with respect to barges, lighters, and other vessels without independent means of propulsion in all respects as if such vessels were ships within the meaning of the principal Act.

See Reprint of Statutes, Vol. VIII, p. 440

Section 36 of Shipping and Seamen Amendment Act, 1909, amended.

62. Section thirty-six of the Shipping and Seamen Amendment Act, 1909, is hereby amended as follows:—

(a) By omitting from subsection two the words “and by a master mariner appointed by the Minister”:

(b) By repealing subsection three.

Shops and Offices

Section 11 of Shops and Offices Act, 1921-22 (as to remuneration of assistants), amended.

See Reprint of Statutes, Vol. III, p. 240 1936, No. 11

63. (1) This section shall be read together with and deemed part of the Shops and Offices Act, 1921-22 (in this section referred to as the principal Act).

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

- (a) By omitting from paragraph (a), as enacted by subsection one of section eight of the Shops and Offices Amendment Act, 1936, the words “fifteen shillings”, and substituting the words “twenty-two shillings and sixpence”:
- (b) By omitting from the said paragraph (a) the words “four shillings a week until the end of the third year, and thereafter not less than two pounds a week”, and substituting the words “five shillings a week until the rate of payment is two pounds twelve shillings and sixpence a week; and thereafter the rate of payment shall be not less than two pounds twelve shillings and sixpence a week”.

(3) Nothing in the said section eleven, as amended by this section, shall be deemed to derogate from the provisions of the Minimum Wage Act, 1945.

1945, No. 44

Stock

5 **64.** This section and the next *two* succeeding sections shall be read together with and deemed part of the Stock Act, 1908 (in those sections referred to as the principal Act).

Sections to be read with Stock Act, 1908.

See Reprint of Statutes, Vol. I, p. 311

10 **65.** Section two of the principal Act is hereby amended by omitting the definition of the terms "dip" and "dipped", and substituting the following new definition:—

Definition of "dip" in relation to sheep.

15 " 'Dip', in relation to sheep affected with lice or ticks, means to plunge or immerse the sheep in an effective lice-destroying preparation or, as the case may require, an effective tick-destroying preparation, or to spray sheep with such a preparation by means of an effective pressure-spraying apparatus; and
20 'dipped' has a corresponding meaning:—

66. (1) Every person commits an offence and is liable to a fine not exceeding *fifty* pounds who, without the authority of the occupier, goes upon any private land with dog or firearm and disturbs any stock
25 depastured thereon.

Disturbance of stock by trespassers with dog or firearm.

(2) Proceedings under this section shall be taken only on the information of the occupier of the land.

30 (3) For the purposes of this section the term "private land" means any land alienated from the Crown in fee-simple or for any less estate or interest, or any land, whether alienated from the Crown or not, of which any person is in actual occupation or in receipt of the rents or profits.

35 (4) This section is in substitution for section four of the Stock Amendment Act, 1927, and that section is hereby accordingly repealed.

Repeal.

See Reprint of Statutes, Vol. I, p. 342

Town Boards

40 **67.** This section and the next *two* succeeding sections shall be read together with and deemed part of the Town Boards Act, 1908 (in those sections referred to as the principal Act).

Sections to be read with Town Boards Act, 1908. See Reprint of Statutes, Vol. V, p. 333

Extending powers of Boards to make building by-laws (as to resistance to earthquakes).
1933, No. 30

See Reprint of Statutes, Vol. V, p. 179

Section 3 of Town Boards Amendment Act, 1910 (as to special orders), amended.

See Reprint of Statutes, Vol. V, p. 352

68. The power to make by-laws conferred on Boards by section thirty-four of the principal Act, as amended by subsection two of section three hundred and ninety-three of the Municipal Corporations Act, 1933, shall include power to make by-laws for the purpose of regulating and controlling the design and construction of buildings in relation to their resistance to earthquake shocks, and for that purpose the provisions of section forty-one of the Finance Act, 1931 (No. 2), shall, with the necessary modifications, apply as if the said section forty-one were part of Part XXXII of the Municipal Corporations Act, 1933. 5

69. Subsection one of section three of the Town Boards Amendment Act, 1910, is hereby amended by repealing paragraphs (c) and (d), and substituting the following new paragraph:— 15

“(c) Public notice of the place and date fixed for the subsequent meeting and of the purport of the resolution shall be given twice during the period of twenty-eight days immediately preceding the date of the subsequent meeting, with an interval of not less than fourteen days between the two notifications.” 20

War Pensions

Sections to be read with War Pensions Act, 1943.
1943, No. 22

70. This section and the next *three* succeeding sections shall be read together with and deemed part of the War Pensions Act, 1943 (in those sections referred to as the principal Act). 25

Additional War Pensions Boards.

71. (1) For the purposes of the principal Act there may from time to time be appointed in accordance with section five of that Act such number of additional War Pensions Boards as the Minister thinks fit. 30

(2) Whenever any additional Board is in existence under this section,—

(a) The provisions of the principal Act and of any regulations made under that Act relating to the War Pensions Board shall apply with respect to the additional Board: 35

(b) References in the principal Act or in any regulations made under that Act to the War Pensions Board shall be deemed to include references to the additional Board: 40

(c) The Minister may assign to the original Board and to the additional Board such distinctive names as he thinks fit.

5 **72.** (1) For the purposes of the principal Act there may from time to time be appointed in accordance with section eight of that Act such number of additional War Pensions Appeal Boards as the Minister thinks fit.

Additional
War Pensions
Appeal
Boards.

(2) Whenever any additional Board is in existence under this section,—

10 (a) The provisions of the principal Act and of any regulations made under that Act relating to the War Pensions Appeal Board shall apply with respect to the additional Board:

15 (b) References in the principal Act or in any regulations made under that Act to the War Pensions Appeal Board shall be deemed to include references to the additional Board:

20 (c) The Minister may assign to the original Board and to the additional Board such distinctive names as he thinks fit.

73. (1) The War Pensions Emergency Regulations 1944 are hereby revoked.

Revocation of
regulations
and savings.
Serial number
1944/107

25 (2) Every additional War Pensions Board, and every additional War Pensions Appeal Board, appointed under those regulations and in existence at the passing of this Act shall continue to exist for the purposes of the principal Act as if it had been appointed under this Act, and accordingly shall, where necessary, be deemed to have been so appointed.