

STATUTES AMENDMENT BILL

EXPLANATORY NOTE

Clause 1 relates to the Short Title.

Agricultural Chemicals

Clause 3: Subclause (1) enables the Agricultural Chemicals Board to direct that, in any particular case, the label required to be attached to the package in which the chemical is sold shall be branded or printed in such a way as to be irremovable.

Subclause (2) enables the Board to require the modification of labels approved by the Board.

Clause 4 enables the Board to revoke registration of an agricultural chemical if it is likely to have a detrimental effect on food or to prejudice the sale of food.

Auckland Harbour Bridge

Clause 6: This clause enables the Auckland Harbour Bridge Authority to collect and publish information relating to the affairs of the Authority or the history or operation of the bridge or designed to promote the use of the bridge. A similar power is given to municipal corporations by the Municipal Corporations Act 1954.

Bills of Exchange

Clause 8: This clause repeals a provision by which Maoris in the North Island are not liable on bills of exchange or promissory notes not written in Maori unless the bill or note has endorsed thereon a translation into Maori and unless the bill or note shows that it was interpreted to the Maori and that he understood its effect.

Births and Deaths Registration

Clause 10: Subclause (1) makes provision for the registration of births occurring on New Zealand ships or aircraft.

Subclause (2) makes the provisions of the principal Act relating to the registration of deaths on New Zealand ships or aircraft applicable to deaths occurring before or after the commencement of those provisions.

Clause 11: This clause empowers the Registrar-General to authorise the registration of a death when the Supreme Court, in proceedings under the Administration Act 1952, has given leave to swear the death of any person.

Chatham Islands County Council Empowering

Clause 13 alters the financial year of the Chatham Islands County Council, except for the purpose of subsidies payable to the Council under the National Roads Act 1953. Commencing 1 January 1964, its financial year will end with 31 December in each year. The current financial year which commenced 1 April 1963 will end with 31 December 1963.

Chattels Transfer

Clause 15: The Chattels Transfer Amendment Act 1953 amended the principal Act to make it clear that an assignment of a customary hire purchase agreement was valid without registration notwithstanding that it involved an assignment of the chattels that were the subject of the agreement. Two consequential amendments should have been made at the time to section 2 of the Chattels Transfer Amendment Act 1931. They are now made by this clause.

Civil Aviation

Clause 17: The purpose of this clause is to ensure that the regulations now in force relating to the licensing of persons engaged in the operation and maintenance of aircraft and to the registration of aircraft are made with due authority. The regulations have been in force for many years and have not been challenged but it is considered advisable to place their validity beyond doubt.

Clerks of Works

Clause 19 provides that members of the Clerks of Works Registration Board shall in future be appointed for a term of three years instead of one, and that the Council of the New Zealand Institute of Clerks of Works shall no longer include a member appointed by the Minister.

Clause 20 rewrites section 19 of the Clerks of Works Act 1944, which relates to the qualifications for registration as a clerk of works. The new section follows substantially the provisions which appear in paragraphs (b) and (c) of subsection (1), and in subsections (6) and (7), of the existing section. The other provisions of the existing section are omitted as spent. The clause also repeals section 27 of the Act, which requires every Registrar of Births and Deaths who receives notice of the death of any clerk of works to notify the Secretary of the Clerks of Works Registration Board regarding the death.

Cooperative Dairy Companies

Clause 22 provides that where the capital of a company is held exclusively by cooperative dairy companies, the provisions limiting to one the members of the company holding shares who may act as a director in the subsidiary company shall not apply.

Counties

Clause 24 confers a right of appeal to a Magistrate's Court against a decision of a County Council disallowing an objection to its proposals on the construction of drains or waterworks on private lands.

Dangerous Drugs

Clause 26 amends the definition of the term "Indian hemp" (marijuana) in the Schedule to the Dangerous Drugs Act 1927. At present the term is defined as meaning the dried flowering or fruiting tops of the pistillate plant known as *Cannabis sativa* L from which the resin has not been extracted,

including certain substances derived from Indian hemp. It is now known that the drug can be obtained from the leaves and stem of the plant as well as from the dried flowering or fruiting tops and can be obtained from the male plant as well as from the female plant.

This clause accordingly amends the definition so as to apply to any part of the plant from which the resin has not been removed.

Dangerous Goods

Clause 28: By section 25 of the Dangerous Goods Act 1957, a Harbour Board may make bylaws regulating the times, places, order, and mode of shipping, transshipping, unloading, storage, and carriage of dangerous goods. The power of a Harbour Board to make bylaws prescribing fines for offences is limited by section 239 of the Harbours Act 1950 to a fine of £20 and a fine of £5 a day where the offence is a continuing one.

This clause confers on Harbour Boards the same powers to prescribe fines for a breach of any bylaw made pursuant to section 25 as are conferred on local authorities by section 23 of the Act, namely, a fine of £100, and, where the offence is a continuing one, a fine of £50 for each day during which the offence has continued.

Clause 29: Section 31 of the Dangerous Goods Act 1957 requires notice to be sent to the Chief Inspector of Dangerous Goods where there occurs any explosion or fire in which dangerous goods are involved, but there is no obligation to report any incident involving a threat of serious explosion or fire.

This clause requires the person who would be responsible for reporting any explosion or fire to report such an incident forthwith to the Chief Inspector or to an Inspector having jurisdiction in the locality where the incident occurs, and to take such steps as are reasonably necessary to deal with the hazard created by the incident, and to comply with any directions given to him by any Inspector for the purpose of dealing with that hazard.

Electoral

Clause 31: In proceedings under section 43 of the Electoral Act 1956 against any person for failing to become registered as an elector the burden of proving that he is not qualified to be registered is on the defendant. This clause repeals that provision, and thus places the onus on the prosecution of proving that the defendant is qualified to be registered.

Electricians

Clause 33 amends section 16 of the Electricians Act 1952 so as to remove the requirement that a person must be at least 19 years of age before he can be granted a provisional licence under the section. Grants of provisional licences in future will depend upon the applicants having had satisfactory practical experience and holding the necessary examination qualifications.

Evidence

Clause 35 re-enacts the definition of the term "Commonwealth representative" in section 6 of the Evidence Amendment Act 1952 (relating to the verification of documents executed out of New Zealand), and extends it so as to include a Commissioner, a Counsellor, a Head of Mission, and a Pro-consul.

Exhibitions

Clause 37: At present the Exhibitions Act 1910 empowers the Governor-General in Council to authorise exhibitions and to suspend certain legislation relating to conditions of employment so far as it relates to exhibitions. It is proposed to transfer this power to the Minister of Industries and Commerce with the approval of the appropriate Minister.

A further amendment repeals paragraph (b) of subsection (1) of section 9 of the principal Act. This provision (which empowers the suspension of the Immigration Restriction Act 1908 in respect of persons visiting or exhibiting at exhibitions) is redundant as sufficient power is contained in the Immigration Restriction Act.

Clause 38: This clause repeals section 10 of the principal Act. That section is now obsolete.

Friendly Societies

Clause 40: Section 46 (2) of the Friendly Societies Act 1909 provides that an instrument affecting any interest in land vested in the trustees of a registered friendly society or branch may be executed by the persons appearing to the District Land Registrar to be the trustees in whom that interest is vested. Special provision enabling a majority of the trustees to sign a discharge or variation of mortgage appears in subsection (2A) of that section.

The effect of *subclause (1)* of this clause will be that a majority of the trustees may execute any such instrument if the rules of the society or branch so provide.

The effect of *subclause (2)* of this clause will be that if the rules of the society or branch so provide, a majority of the trustees in whom the property of a society or branch is vested may execute any document requiring to be executed for the purpose of the exercise by the society or branch of any of the powers conferred on it by section 50 of the Act. That section sets out the powers of societies and branches with respect to land and buildings.

Harbours

Clause 42 provides for the Secretary of a Harbour Board to preside at a meeting for the election of Chairman, re-enacts the existing provisions as to voting, and provides for the validation of previous elections where the Secretary has presided.

Clause 43 authorises Boards to create a special fund for the repayment of any loan or loans or any part thereof.

Impounding

Clause 45: The effect of this clause is that it will no longer be an offence under the Impounding Act 1955 for a poundkeeper to fail to provide sustenance for stock impounded. Section 12 (1) of that Act places an obligation on the local authority to cause all stock impounded to be supplied with sufficient food and water and given all necessary care and attention, and that obligation will still remain. In addition, it is already an offence under section 3 (b) of the Animals Protection Act 1960 for any person who is in charge of any animal to omit to supply it with proper and sufficient food and water.

Clause 46 consequentially repeals section 59 (1) of the Act relating to the onus of proof in proceedings against a poundkeeper for the offence of failing to provide sustenance for stock impounded.

Infants

Clause 48: Section 41 (1) of the Infants Act 1908 provides that no person may receive or retain in his care or charge any infant for the purpose of nursing or maintaining him apart from his parents or guardians for more than seven consecutive days, unless that person is licensed as a foster parent or the infant is in that person's home for the purpose of adoption. By subsection (2) the Minister of Education may grant certain exemptions from that provision, including power to exempt a near relative of the child.

This clause re-enacts subsection (1) in an amended form. The prohibition is to apply only in cases where the infant is received or retained in consideration of any payment or reward, and the prohibition is not to apply where the person receiving or retaining the infant is a near relative as defined in the clause, notwithstanding that he receives some payment or other reward. The other provisions of the subsection remain substantially the same as at present.

Land

Clause 50 empowers the Marginal Lands Board to buy farm land for the purpose of disposal to persons already owning uneconomic farms. The Marginal Lands Board already has power under the Marginal Lands Act 1950 to make advances to such persons for the acquisition of the land and development of the farm as a whole to an economic unit. By giving the Marginal Lands Board these powers under the Land Act, the amalgamation and development of uneconomic units into sound holdings will be simplified.

Clause 51 enables provision to be made under any regulations under the principal Act for a maximum fine of £100 for an offence against the regulations. At present, there is no express provision in the Act enabling the regulations to prescribe fines for offences, and the maximum fine which may be imposed is, by virtue of section 25 (h) of the Acts Interpretation Act 1924, limited to £5.

Land Settlement Promotion

Clause 53 provides that a person who has entered into an agreement to sell the whole of his interests in farm land may take advantage of the simplified procedure in section 24 of the Land Settlement Promotion Act 1952 and file a declaration as if he held no farm land.

Clause 54 empowers the Court or a Land Valuation Committee to grant an extension of time within which to file an application for consent of the Court to a transaction. At present, if an application is not filed within one month of the date of the transaction (three months where the land is situated in the Chatham Islands), the transaction is deemed to be unlawful and to have no effect. Cases have occurred where persons through no fault of their own have suffered severe financial loss because the necessary application has not been filed within the statutory period.

Law Practitioners

Clause 56 amends section 116 (1) of the Law Practitioners Act 1955 so as to include on the Council of the New Zealand Law Society Vice-Presidents of the Society who are not for the time being members of the Council of the New Zealand Law Society elected by a District Law Society. The amendment is consequential on section 8 of the Law Practitioners Amendment Act 1962, and is made retrospective to the date on which that Act came into force.

Limitation

Clause 58 amends section 24 of the Limitation Act 1950 by omitting spent references to section 23 of that Act. Section 23 was repealed by section 3 of the Limitation Amendment Act 1962.

Local Authorities Loans

Clause 60: The effect of this clause is to authorise a debenture in form 3 in the First Schedule to the Local Authorities Loans Act 1956 (that is, a single debenture for the full amount lent on a table loan) to be issued where the lender is the Crown in addition to cases where the lender is an approved corporation.

Local Authorities (Members' Contracts)

Clause 62: The effect of this clause will be that a person elected or appointed to a local authority will not be disqualified by reason of his being concerned or interested in an uncompleted contract entered into before his election or appointment, if—

- (a) The amount payable under the contract is fixed under the contract; or
- (b) The amount payable is not fixed under the contract, but the contract is for a continuous period of less than 12 months or, where it is for a continuous period of more than 12 months, the person elected or appointed relinquishes the contract before acting as a member and within one month after his election or appointment.

Local Elections and Polls

Clause 64: In proceedings under section 88 of the Local Elections and Polls Act 1953 against any person for failing to enrol as a residential elector the burden of proving that he is not qualified for enrolment is placed on the defendant. This clause repeals that provision, and thus places the onus on the prosecution of proving that the defendant is qualified for enrolment.

Magistrates' Courts

Clause 66 amends section 37 of the Magistrates' Courts Act 1947, so that, if the parties so agree, a Magistrate's Court may have jurisdiction in interpleader proceedings irrespective of the value of the subject-matter in issue.

Clause 67 increases the Magistrates' Courts general jurisdiction so that they can hear and determine interpleader proceedings where the value of the subject-matter does not exceed £1,000. The present limit is £500.

Maori Education Foundation

Clause 69: The effect of this clause is that unclaimed money paid by the Maori Trustee to the Foundation will be treated as income of the Foundation.

Municipal Corporations

Clause 71 confers a right of appeal to a Magistrate's Court against a decision of a Borough Council disallowing an objection to its proposals as to street levels or as to the construction of drains or waterworks on private lands.

Mutual Insurance

Clause 73 gives an association power to hold land as tenant in common in equal or unequal shares with certain organisations whose principal object is to foster the social or economic welfare of the farming community, if the association and organisation have or propose to establish on the land offices for the transaction of their respective businesses. The powers of the controlling Board to acquire interests in land and borrow money are extended accordingly.

National Expenditure Adjustment

Clause 75 repeals section 41 of the National Expenditure Adjustment Act 1932. That section provided for a 20 per cent reduction of dividends on cumulative preference shares of companies, subject to the dividends not being reduced below 5 per cent per annum. The repeal is to have effect at the end of the current financial year of each company concerned.

New Zealand Army

Clause 77: The effect of this clause will be that the commanding officer must deal summarily with a private soldier charged with the offence of drunkenness where the offence has been committed after being warned for duty. At present, the offence committed in such circumstances must be tried by Court Martial, but a Court Martial has no wider powers of punishment for such an offence than a commanding officer would have, and for that reason the jurisdiction is transferred by the clause to a commanding officer.

Clause 78 authorises the Army Board to restore seniority or service forfeited by summary award where restoration is deemed to be merited by subsequent good and faithful service. A similar power exists on forfeitures of seniority or service made by court martial under subsection (11) of section 64 of the Royal New Zealand Air Force Act 1950.

Oaths and Declarations

Clause 80 extends the definition of the term "Commonwealth representative" in section 2 of the Oaths and Declarations Act 1957 to include a Pro-consul.

This definition is relevant to the provisions of that Act as to the swearing of oaths and the making of declarations outside New Zealand.

Post Office

Clause 82: This clause removes an obligation on customs officers opening postal articles to make a declaration under the Post Office Act 1959. These officers are required to make a similar declaration under their own legislation and the provision is redundant.

Clause 83: Subclause (1) authorises the making of regulations imposing surcharges on officers of the Post Office where any omission or default of the officer results in loss to the Crown. *Subclause (3)* makes a consequential amendment providing for a right of appeal against the imposition of any such surcharge where the amount is more than £2.

Subclause (2), following a provision in the State Services Act 1962, empowers the Director-General to prescribe allowances payable to officers instead of or in addition to salary or wages.

Primary Products Marketing

Clause 85: This clause adds the products of raspberry fruit farming and hop farming to the definition of the term "primary product".

Public Bodies Meetings

Clause 87: Section 5 (a) of the Public Bodies Meetings Act 1962 provides that duly accredited representatives of any newspaper are deemed to be members of the public and are entitled to attend a meeting for the purposes of reporting the proceedings for any newspaper.

This clause extends that provision to the representatives of any news service, such as radio and television reporters.

Rangiora High School

Clause 89 amends section 9 of the Rangiora High School Act 1881 so as to provide that the annual meeting to be held in accordance with that section shall be held in June instead of April.

Rehabilitation

Clause 91 changes the composition of the Rehabilitation Board by substituting the Secretary for War Pensions for the Commissioner of Works.

Reserves and Domains

Clause 93 empowers any local authority, which has been appointed to be a Domain Board, to pay funds received in its capacity as a Domain Board into the local authority account, instead of into a special bank account as is now required by section 70 of the Act. Transactions will still have to be separately recorded to comply with subsection (5) of section 76 of the Act.

Royal New Zealand Air Force

Clause 95 authorises the Air Board, by Air Board Order, to establish or authorise the establishment of funds for the benefit of units, groups, or stations within the Air Force and such other persons and objects as it considers will be of advantage to the Air Force and its members.

Where any fund is so established the Air Board shall have power to issue Air Board Orders relating to the control of the assets of the fund, varying the objects of the fund, or abolishing it and transferring its assets to another such fund.

The assets of funds established under this section are not to be deemed public moneys or public stores under the Public Revenues Act 1953 but the Controller and Auditor-General may require the accounts of any fund to be audited by the Audit Office which shall have the same powers for that purpose as if the assets were public moneys or public stores to which the Public Revenues Act 1953 applied.

The Crown shall not be liable for any loss sustained by a fund whether by act or omission of any employee of the Crown or other cause.

This section applies to funds established for any of the purposes of this section before the commencement of this section. The Minister, with the concurrence of the Minister of Finance, shall decide to what existing funds this section shall apply.

Subsection (2) of section 23 of the principal Act is consequentially repealed.

Sale of Liquor

Clause 97: Subclause (1): Under section 72 (c) of the Sale of Liquor Act 1962 a body corporate may hold a licence if its memorandum of association or other instrument of incorporation expressly authorises it to do so. Doubts have arisen as to the position of existing companies whose memoranda of association authorise them to sell liquor but do not expressly authorise them to hold licences. This subclause makes it clear that any company may hold a licence under the Act.

Subclause (2): Among the grounds of objection to an application for a wine reseller's licence is the ground that the licensing of the premises for the sale of wine is not required, having regard to the facilities "available" in the locality for the sale of the wine of those wine makers whose wine is intended to be sold by the applicant. This subclause extends that provision to include facilities that are likely to be made available.

Subclause (3): Under section 69 (6) of the Licensing Amendment Act 1948 the Licensing Committee could refuse an application for a wine reseller's licence if it thought that the applicant was not a fit person to hold such a licence. That provision was not repeated in the Licensing Amendment Act 1960 or the Sale of Liquor Act 1962, when various rights of objection were substituted. This subclause restores the provision of the 1948 Act, without affecting the grounds of objection.

Subclause (4) includes gun club meetings among the events for which booth licences may be granted.

Clause 98: This clause authorises the Licensing Control Commission to limit a special dining permit under section 215 of the principal Act to any specified part or parts of the premises, and to impose conditions and restrictions on the grant of such a permit.

Stamp Duties

Clause 100 extends the periods prescribed for claiming refunds of stamp duties so as to allow six years in all cases. The clause also amends section 40 of the Stamp Duties Act 1954 so as to remove the provision for making a deduction of 5 per cent where a refund of duty is made on an inoperative instrument.

Stock Remedies

Clause 102 requires the period within which stock remedies for destroying lice and keds on sheep are to be used, after the shearing of sheep, to be approved by the Stock Remedies Registration Board and set out on the label of the receptacle in which the stock remedy is sold. This amendment is consequential on the provisions of clause 3 of the Stock Amendment Bill before the House.

Summary Proceedings

Clause 104: By section 181 (1) of the Summary Proceedings Act 1957 notice may be given to every witness at a preliminary hearing requiring him to attend at the Supreme Court to give evidence at the time and place specified in the notice. In the past, the time specified has been the first day of the Court sittings, as the witnesses were then required for proceedings before the Grand Jury. This has not been necessary since the abolition of the Grand Jury.

The effect of this clause is that each witness is to be required to attend at the Supreme Court in accordance with the terms of the notice. This will enable notices to be given to witnesses requiring them to attend as and when notified.

Clause 105: By section 184 (1) of the Summary Proceedings Act 1957, a deposition taken at a preliminary hearing may be read as evidence at the trial, if the Judge is satisfied that the person making the deposition is out of New Zealand or dead or so ill as to not to be able to travel or if in any other case both parties consent.

The effect of this amendment will be that the consent of the parties will be sufficient in all cases, including those cases where at present it is necessary to prove to the Judge that the witness is absent from New Zealand or dead or so ill that he is not able to travel.

Termites

Clause 107 provides for the control of the demolition and removal of buildings in termite areas. The buildings must be inspected by the local authority before work is commenced and, if termites are found, the work must be carried out under the supervision of the local authority. The person demolishing the building may be required to remove and destroy by burning any of the timber in the building.

Hon. Mr Hanan

STATUTES AMENDMENT

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A BILL INTITULED

An Act to amend certain enactments of the General Assembly

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

5 as follows:

1. **Short Title**—This Act may be cited as the Statutes Amendment Act 1963.

Agricultural Chemicals

2. Sections to be read with Agricultural Chemicals Act 1959—This section and the next two succeeding sections shall be read together with and deemed part of the Agricultural Chemicals Act 1959* (in those sections referred to as the principal Act). 5

*1959, No. 51

3. Labels—(1) Section 15 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) Notwithstanding the provisions of subsection (1) of this section, the Board may, in any particular case, direct that the label required by that subsection to be attached to a package shall be printed or branded or otherwise fixed to the package in such a manner as not to be removable therefrom.” 10

(2) Section 15 of the principal Act is hereby further amended by adding to subsection (3) the following proviso: 15

“Provided that the Board may at any time give notice in writing to the proprietor of its intention to withdraw acceptance of the label, and may require the proprietor to amend or modify the label in any respect specified in that behalf by the Board; and, on being satisfied that the requirement has been complied with, the Board shall inform the proprietor in writing that the label has been accepted.” 20 35

4. Revocation of registration—Section 20 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection: 25

“(1A) Without limiting the provisions of subsection (1) of this section, the Board may, by notice in writing addressed to the proprietor, revoke the registration of any agricultural chemical which contains any ingredient in such form or in such quantity as, in the opinion of the Board, is likely to have a detrimental effect on meat, dairy produce, or other produce intended for human consumption that has been exposed to the agricultural chemical, or is likely to prejudice the sale of any such meat or produce in New Zealand or elsewhere.” 30 35

Auckland Harbour Bridge

5. Sections to be read with Auckland Harbour Bridge Act 1950—This section and the next succeeding section shall be read together with and deemed part of the Auckland Harbour Bridge Act 1950* (in that section referred to as the principal Act). 40

*1950, No. 101

Amendments: 1954, No. 89; 1956, No. 58; 1957, No. 96; 1958, No. 29; 1962, No. 126

6. Authority may publish information—The principal Act is hereby amended by inserting, after section 74, the following section:

5 “74A. The Authority may from time to time prepare and publish handbooks, abstracts, or other publications containing information relative to the history, administration, and affairs of the Authority or of the bridge, and collect, prepare, and disseminate information that is designed to inform the public concerning the activities of the Authority or that has for its
10 object the promotion of the use of the bridge.”

Bills of Exchange

7. Sections to be read with Bills of Exchange Act 1908—This section and the next succeeding section shall be read together with and deemed part of the Bills of Exchange Act
15 1908* (in that section referred to as the principal Act).

*1957 Reprint, Vol. 1, p. 545
Amendment: 1960, No. 17

8. Provision as to liability of Maoris in respect of bills of exchange—Section 97 of the principal Act is hereby repealed.

Births and Deaths Registration

9. Sections to be read with Births and Deaths Registration Act 1951—This section and the next two succeeding sections shall be read together with and deemed part of the Births and Deaths Registration Act 1951* (in those sections referred to as the principal Act).
20

*1957 Reprint, Vol. 1, p. 591
Amendments: 1959, No. 25; 1961, No. 23

10. Registration of births or deaths occurring outside New Zealand on New Zealand ship or aircraft—(1) The principal Act is hereby amended by inserting, after section 15, the following section:
25

30 “15A. Where a child has been born, whether before or after the commencement of this section, outside New Zealand on a New Zealand ship within the meaning of the Shipping and Seamen Act 1952 or on board an aircraft registered in New Zealand pursuant to the Civil Aviation Act 1948, and the parents or other persons having lawful charge of the child were not about to take up their abode in New Zealand, the
35 Registrar-General may authorise any Registrar to register the

birth, and the Registrar shall register the birth in accordance with the provisions of this Act relating to the registration of births taking place in New Zealand so far as those provisions may be complied with in the circumstances:

“Provided it shall not be necessary for any person to sign the register as informant.” 5

(2) Section 33A of the principal Act (as inserted by section 4 of the Births and Deaths Registration Amendment Act 1955) is hereby amended by omitting from subsection (1) the words “occurs outside New Zealand”, and substituting the words “has occurred outside New Zealand, whether before or after the commencement of this section”. 10

11. Registration of death when Court gives leave to swear death—The principal Act is hereby further amended by inserting, after section 33A (as so inserted), the following section: 15

“33B. Where in any proceedings under the Administration Act 1952 the Supreme Court has given leave to swear to the death of any person, the Registrar of the Court shall notify the Registrar-General, who may authorise any Registrar to register the death, and the Registrar shall register the death in accordance with the provisions of this Act so far as those provisions can be complied with in the circumstances: 20

“Provided that it shall not be necessary for any person to sign the register as informant.” 25

Chatham Islands County Council Empowering

12. Sections to be read with Chatham Islands County Council Empowering Act 1936—This section and the next succeeding section shall be read together with and deemed part of the Chatham Islands County Council Empowering Act 1936.* 30

*1936, No. 55

13. Financial year of Council—Notwithstanding anything to the contrary in any other Act, the financial year of the Council which commenced on the first day of April, nineteen hundred and sixty-three, shall end with the thirty-first day of December, nineteen hundred and sixty-three, and thereafter the term “financial year”, in relation to the Council, shall mean the period of twelve months ending with the thirty-first day of December: 35

Provided that for the purposes of the National Roads Act 1953 the term "financial year", in relation to the Council, means a period of twelve months ending with the thirty-first day of March.

5

Chattels Transfer

14. Sections to be read with the Chattels Transfer Act 1924—This section and the next succeeding section shall be read together with and deemed part of the Chattels Transfer Act 1924* (in that section referred to as the principal Act).

*1957 Reprint, Vol. 1, p. 839
Amendment: 1961, No. 75

10 **15. Amendments consequential on the passing of the Chattels Transfer Amendment Act 1953**—(1) Section 2 of the Chattels Transfer Amendment Act 1931 is hereby amended—

15 (a) By inserting in paragraph (c) of subsection (3), after the word "instrument", the words "or of the chattels the subject of any such agreement or instrument":

(b) By adding to subsection (8) the words "or of any chattels the subject of such an agreement".

20 (2) The amendments made by subsection (1) of this section shall have effect as if they were amendments to the principal Act made by section 3 of the Chattels Transfer Amendment Act 1953, and subsection (2) of that section shall apply accordingly.

Civil Aviation

25 **16. Sections to be read with Civil Aviation Act 1948**—This section and the next succeeding section shall be read together with and deemed part of the Civil Aviation Act 1948* (in that section referred to as the principal Act).

*1957 Reprint, Vol. 2, p. 107
Amendments: 1958, No. 57; 1960, No. 45; 1961, No. 77; 1962, No. 53

30 **17. Power to make regulations**—(1) Subsection (2) of section 3 of the principal Act is hereby amended by inserting, after paragraph (a), the following paragraph:

"(aa) For the licensing of persons performing prescribed functions in relation to the operation, maintenance, or airworthiness of aircraft, requiring that

any such persons be the holders of licences, certificates, or ratings of prescribed kinds, and providing for the grant, renewal, cancellation, suspension, or variation of any such licences, certificates, or ratings by a prescribed Authority or officer and for the endorsement thereof, and for appeals against decisions of any such Authority or officer.” 5

(2) Subsection (2) of section 3 of the principal Act is hereby further amended by inserting, after paragraph (e), 10 the following paragraph:

“(ee) For the registration, marking, classification, certification, and airworthiness of aircraft and aircraft components:”.

(3) This section shall be deemed to have come into force 15 on the twenty-sixth day of August, nineteen hundred and forty-eight.

Clerks of Works

18. Sections to be read with Clerks of Works Act 1944—
This section and the next two succeeding sections shall be read 20 together with and deemed part of the Clerks of Works Act 1944* (in those sections referred to as the principal Act).

*1957 Reprint, Vol. 2, p. 135
Amendment: 1961, No. 78

19. Board and Council—Section 3 of the principal Act is hereby amended by omitting from subsection (4) the words 25 “one year”, and substituting the words “three years”.

(2) Section 14 of the principal Act is hereby amended—

(a) By omitting from subsection (1) the words “of whom one shall be a member of the Institute appointed by the Minister before each annual general meeting of the Institute”: 30

(b) By omitting from subsection (1) the words “other than the member appointed by the Minister”:

(c) By omitting from subsection (3) the words “The member of the Council appointed by the Minister shall hold office for one year”. 35

20. Registration—(1) The principal Act is hereby amended by repealing section 19, and substituting the following section:

5 “19. (1) Subject to the provisions of subsection (3) of this section, every person shall be entitled to be registered under this Act who satisfies the Board—

10 “(a) That he is not less than thirty years of age and has passed the prescribed examinations, and has had such practical experience in building or engineering construction in New Zealand or elsewhere as in the opinion of the Board will enable him to perform efficiently the duties of a clerk of works; or

15 “(b) That he is not less than thirty years of age and is the holder of a recognised certificate (as defined in subsection (2) of this section) granted out of New Zealand, and has had such practical experience in building or engineering construction in New Zealand as in the opinion of the Board will enable him to perform efficiently the duties of a clerk of works.

20 “(2) For the purposes of paragraph (b) of subsection (1) of this section, the expression ‘recognised certificate’ means a certificate, diploma, degree, or licence granted by a University, College, board, or other authority, and recognised by the Board as furnishing sufficient evidence of the possession

25 by the holder thereof of the requisite knowledge for the efficient performance of the duties of a clerk of works.

30 “(3) Subject to the provisions of section 41 of this Act as to appeals, no person shall be registered under this Act if, in the opinion of the Board, he is not a fit person to be registered by reason of the fact that he is not of good character and reputation.”

(2) Section 27 of the principal Act is hereby repealed.

Cooperative Dairy Companies

35 **21. Sections to be read with Cooperative Dairy Companies Act 1949**—This section and the next succeeding section shall be read together with and deemed part of the Cooperative Dairy Companies Act 1949* (in that section referred to as the principal Act).

*1957 Reprint, Vol. 2, p. 799
Amendment: 1959, No. 56

22. Removal of restriction on number of directors in subsidiary company—Section 2 the principal Act is hereby amended by adding the following subsection:

“(4) The regulations referred to in the definition of the term ‘cooperative dairy company’ in subsection (1) of this section are, in the case of a company the capital of which is exclusively held by cooperative dairy companies registered under this Act, the regulations specified in subsection (2) or subsection (3), as the case may require, of this section, but excluding the last sentence of subclause (1) of regulation 82 of the said model articles of association.”

Counties

23. Sections to be read with Counties Act 1956—This section and the next succeeding section shall be read together with and deemed part of the Counties Act 1956* (in that section referred to as the principal Act).

*1957 Reprint, Vol. 3, p. 1

Amendments: 1958, No. 60; 1959, No. 58; 1960, No. 54; 1961, No. 131; 1962, No. 38

24. Appeal to Magistrate’s Court against decision of Council on objections—(1) Section 245 of the principal Act is hereby amended by inserting, after subsection (2), the following subsections:

“(2A) Any person who is aggrieved by any determination of the Council under paragraph (d) of subsection (2) of this section to proceed with the work proposed (with or without alterations) may appeal to a Magistrate’s Court against that determination within fourteen days after the date thereof. Pending the decision of the Court on the appeal, the Council shall not proceed with the work.”

“(2B) On the hearing of the appeal, the Court, whose decision shall be final, may confirm or amend or set aside the determination of the Council.”

(2) Section 268 of the principal Act is hereby amended by inserting, after subsection (2), the following subsections:

“(2A) Any person who is aggrieved by any determination of the Council under paragraph (d) of subsection (2) of this section to proceed with the work proposed (with or without alterations) may appeal to a Magistrate’s Court against that determination within fourteen days after the date thereof. Pending the decision of the Court on the appeal, the Council shall not proceed with the work.”

“(2B) On the hearing of the appeal, the Court, whose decision shall be final, may confirm or amend or set aside the determination of the Council.”

Dangerous Drugs

25. Sections to be read with Dangerous Drugs Act 1927—

This section and the next succeeding section shall be read together with and deemed part of the Dangerous Drugs Act
5 1927* (in that section referred to as the principal Act).

*1957 Reprint, Vol. 3, p. 809

26. "Indian hemp" defined—The Schedule to the principal Act is hereby amended by omitting from so much thereof as relates to Indian hemp the words "the dried flowering or fruiting tops of the pistillate plant", and substituting the words
10 "any part of the plant".

Dangerous Goods

27. Sections to be read with Dangerous Goods Act 1957—

This section and the next two succeeding sections shall be read together with and deemed part of the Dangerous Goods Act
15 1957* (in those sections referred to as the principal Act).

*1957 Reprint, Vol. 3, p. 821

28. Penalties under bylaws made by Harbour Boards—

Section 25 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

"(1A) Notwithstanding anything in the Harbours Act 1950
20 or in any other Act, any bylaws made by a Harbour Board pursuant to subsection (1) of this section may prescribe fines for offences against the bylaws, not exceeding the fines that may be prescribed by bylaws made by a local authority under section 23 of this Act. The provisions of this subsection shall
25 apply whether the bylaws are made pursuant to this Act or to the Harbours Act 1950 or to any other Act."

29. Incident creating threat of fire or explosion—The principal Act is hereby further amended by inserting, after section 31, the following section:

30 "31A. (1) Where in connection with the storage, use, carriage, handling, or transfer of dangerous goods there occurs any incident which creates a threat of serious explosion or fire, the person who under section 31 of this Act would be responsible if an accident by explosion or fire had occurred to send
35 or cause to be sent notice thereof to the Chief Inspector shall forthwith—

“(a) Notify by the quickest available means the Chief Inspector or an Inspector exercising jurisdiction in the area where the incident occurred of the occurrence of the incident, and supply such information concerning the incident as the Chief Inspector or, as the case may be, that Inspector may require; and 5

“(b) Take such steps as are reasonably necessary to deal with the hazard created by the incident; and

“(c) Comply with any directions given to him by any Inspector for the purpose of dealing with that hazard. 10

“(2) The provisions of subsections (4) and (5) of section 31 of this Act shall apply with respect to every such incident as if an accident had occurred.” 15

Electoral

30. Sections to be read with Electoral Act 1956—This section and the next succeeding section shall be read together with and deemed part of the Electoral Act 1956* (in that section referred to as the principal Act). 20

*1957 Reprint, Vol. 4, p. 341
Amendments: 1958, No. 64; 1959, No. 60; 1960, No. 4

31. Compulsory registration of electors—Section 43 of the principal Act is hereby amended by repealing subsection (7).

Electricians

32. Sections to be read with Electricians Act 1952—This section and the next succeeding section shall be read together with and deemed part of the Electricians Act 1952* (in that section referred to as the principal Act). 25

*1957 Reprint, Vol. 4, p. 541
Amendments: 1959, No. 62; 1960, No. 60

33. Provisional licences—Section 16 of the principal Act is hereby amended by repealing paragraph (a) of subsection (1). 30

Evidence

34. Sections to be read with Evidence Act 1908—This section and the next succeeding section shall be read together with and deemed part of the Evidence Act 1908.*

*1957 Reprint, Vol. 4, p. 689
Amendments: 1956, No. 17; 1962, No. 34

35. Verification of documents executed out of New Zealand—Section 6 of the Evidence Amendment Act 1952 is hereby amended by repealing the definition of the term “Commonwealth representative” in subsection (3), and substituting the following definition:

5 “Commonwealth representative’ means any Ambassador, High Commissioner, Commissioner, Minister, Counsellor, Chargé d’Affaires, Head of Mission, Consular Officer, Pro-consul, Trade Commissioner,
 10 or Tourist Commissioner of a Commonwealth country (including New Zealand); and includes any person lawfully acting for any such officer; and also includes any diplomatic secretary on the staff of any such Ambassador, High Commissioner, Com-
 15 missioner, Minister, Counsellor, Chargé d’Affaires, or Head of Mission.”

Exhibitions

36. Sections to be read with Exhibitions Act 1910—This section and the next two succeeding sections shall be read
 20 together with and deemed part of the Exhibitions Act 1910* (in those sections referred to as the principal Act).

*1957 Reprint, Vol. 4, p. 725

37. Powers of Minister of Industries and Commerce in respect of exhibitions—(1) Section 2 of the principal Act is hereby amended as follows:

25 (a) By omitting the words “The Governor-General may from time to time, by Order in Council”, and substituting the words “The Minister of Industries and Commerce may from time to time, by notice in the
Gazette”:

30 (b) By inserting, after the words “and may”, the words “with the prior approval of the Minister of Lands”.

(2) Subsection (1) of section 9 of the principal Act is hereby amended as follows:

35 (a) By omitting the words “The Governor-General in Council may from time to time”, and substituting the words “The Minister of Industries and Commerce, with the prior approval of the Minister of Labour, may from time to time, by notice in the
Gazette”:

(b) By repealing paragraph (b).

(3) Section 14 of the principal Act is hereby amended by omitting the words “Governor-General in Council”, and substituting the words “Minister of Industries and Commerce”. 5

38. Inspection of machinery—Section 10 of the principal Act is hereby repealed.

Friendly Societies

39. Sections to be read with Friendly Societies Act 1909—This section and the next succeeding section shall be read together with and deemed part of the Friendly Societies Act 1908* (in that section referred to as the principal Act). 10

*1957 Reprint, Vol. 5, p. 431
Amendments: 1959, No. 64; 1961, No. 112; 1962, No. 70

40. Execution of documents—(1) Section 46 of the principal Act is hereby amended by adding to subsection (2) the words “or by a majority of those persons in any case where the rules of the society or branch authorise the execution of such an instrument by a majority of those persons”. 15

(2) Section 50 of the principal Act is hereby amended by inserting, after subsection (3), the following subsection:
“(3A) Subject, in the case of an instrument affecting land under the Land Transfer Act 1952, to the provisions of section 46 of this Act, every document to be executed by a registered society or branch in the exercise of any powers conferred on it by this section may (if its rules so provide) be executed by a majority of the trustees in whom the property of the society or branch is vested.” 20 25

Harbours

41. Sections to be read with Harbours Act 1950—This section and the next two succeeding sections shall be read together with and deemed part of the Harbours Act 1950* (in those sections referred to as the principal Act). 30

*1957 Reprint, Vol. 5, p. 813
Amendments: 1959, No. 6; 1961, No. 114; 1962, No. 74

42. Secretary to preside at meeting of Board for election of Chairman—(1) Section 35 of the principal Act is hereby amended by repealing subsection (3), and substituting the following subsections: 35

“(3) At every meeting for the election of Chairman the Secretary shall preside, and in the event of there being an equality of votes of members at that election the matter shall be decided by lot as between the members having that equality
5 of votes.”

(2) Notwithstanding anything in the principal Act or in any other Act or rule of law, no election or appointment of any persons to the office of Chairman or Deputy Chairman heretofore made shall be deemed to have been invalid by
10 reason of the fact that the Secretary of the Board acted as Chairman for the whole or part of the meeting at which those persons were elected or appointed.

43. Board may create a special fund for repayment of loans—Section 60 of the principal Act is hereby amended by adding to paragraph (f) of subsection (1) the words “or the
15 repayment of any loan or loans or any part thereof”.

Impounding

44. Sections to be read with Impounding Act 1955—This section and the next two succeeding sections shall be read
20 together with and deemed part of the Impounding Act 1955* (in those sections referred to as the principal Act).

*1957 Reprint, Vol. 6, p. 309

45. Offences by poundkeepers—Section 57 of the principal Act is hereby amended by omitting from paragraph (a) of subsection (2) the words “Neglects to provide sustenance for
25 stock impounded, or loses any such stock”, and substituting the words “Loses any stock impounded”.

46. Burden of proof in certain cases—Section 59 of the principal Act is hereby amended by repealing subsection (1).

Infants

47. Sections to be read with Infants Act 1908—This section and the next succeeding section shall be read together with
30 and deemed part of the Infants Act 1908* (in that section referred to as the principal Act).

*1957 Reprint, Vol. 6, p. 587
Amendment: 1961, No. 83

48. Unauthorised person not to receive infant—(1) Section 41 of the principal Act is hereby amended by repealing subsection (1) (as substituted by subsection (1) of section 2 of the Infants Amendment Act 1957), and substituting the following subsection: 5

“(1) It shall not be lawful for any person in consideration of any payment or reward to receive or retain in his care or charge any infant for the purpose of nursing or maintaining the infant apart from his parents or guardians for a longer period than seven consecutive days, unless— 10

“(a) That person is a near relative of the infant; or

“(b) That person is licensed under this Part of this Act as a foster parent; or

“(c) The infant is lawfully in the home of that person for the purpose of adoption and the requirements of section 6 of the Adoption Act 1955 are being complied with.” 15

(2) Section 39 of the principal Act is hereby amended by inserting, after the definition of the term “Minister”, the following definition: 20

“‘Near relative’ means—

“(a) With respect to an infant who is legitimate, his grandfather, grandmother, adult brother (of the whole or half blood), or adult sister (of the whole or half blood): 25

“(b) With respect to an infant who is illegitimate, his mother’s father or his mother’s mother:”.

(3) Section 53 of the principal Act is hereby amended by inserting, after the words “offence against”, the words “section 41 or”. 30

(4) The following enactments are hereby repealed:

(a) Paragraph (b) of subsection (2) of section 41 of the principal Act:

(b) The Infants Amendment Act 1957.

Land

49. Sections to be read with Land Act 1948—This section and the next two succeeding sections shall be read together with and deemed part of the Land Act 1948* (in those sections referred to as the principal Act). 35

*1957 Reprint, Vol. 7, p. 1

Amendments: 1958, No. 72; 1959, No. 70; 1960, No. 68; 1961, No. 86; 1962, No. 78

50. Marginal Lands Board may acquire farm land for disposal to holders of uneconomic farm units—The principal Act is hereby amended by inserting, after section 15, the following section:

5 “15A. (1) Notwithstanding anything in this Act, the Marginal Lands Board established under the Marginal Lands Act 1950 shall have all the powers of the Land Settlement Board under this Act—

10 “(a) To purchase farm land on behalf of Her Majesty for the purpose of disposal to holders of uneconomic areas of farm land; and

15 “(b) To alienate, without public notice and without competition, any land so acquired on any tenure provided by this Act to any person for amalgamation with any other farm land where such amalgamation will create a holding suitable for farming and occupation as an independent farm unit.

20 “(2) The Marginal Lands Board may, for the purpose of exercising the powers of the Land Settlement Board conferred on the Marginal Lands Board by this section, exercise the same powers of delegation as are conferred on the Land Settlement Board by section 15 of this Act.

25 “(3) For the purposes of this Act and any other Act, the exercise by the Marginal Lands Board of the powers conferred by this section shall be deemed to have the same effect as if those powers had been exercised by the Land Settlement Board.

30 “(4) The powers conferred on the Marginal Lands Board by this section shall not operate to prevent the exercise by the Land Settlement Board itself of any of the powers conferred on it by this Act.”

51. Penalty for offences—Section 184 of the principal Act is hereby amended by inserting, after subsection (2), the following subsection:

35 “(2A) Regulations made under this section may prescribe fines, not exceeding one hundred pounds, for offences against the regulations.”

Land Settlement Promotion

52. Sections to be read with Land Settlement Promotion Act 1952—This section and the next two succeeding sections shall be read together with and deemed part of the Land Settlement Promotion Act 1952* (in those sections referred to as the principal Act). 5

*1957 Reprint, Vol. 7, p. 553
Amendments: 1959, No. 33; 1961, No. 21

53. Consent of the Court not required in certain cases—Section 24 of the principal Act is hereby amended by adding to subsection (3) (as amended by subsection (2) of section 3 of the Land Settlement Promotion Amendment Act 1959) the following paragraph: 10

“(g) No account shall be taken of any land owned, leased, held, or occupied by any person, or the husband or wife, as the case may be, of any person where that person or, as the case may be, the husband or wife of that person has entered into a contract or agreement for the sale or transfer of the whole of his or her estate or interest in the land, and the Court has granted an unconditional consent to the transaction, or the purchaser thereof has filed the statutory declaration referred to in subsection (1) of this section.” 15
20

54. Prohibiting transactions without consent of Court—(1) Section 25 of the principal Act is hereby amended by inserting in paragraph (a) of subsection (1), after the words “three months after the date of the transaction”, the words “or in either case within such further time as may be allowed by the Court or a Land Valuation Committee”. 25

(2) Section 25 of the principal Act is hereby further amended by adding the following subsection: 30

“(6) The Court or a Land Valuation Committee shall not grant an extension of time within which to make application for the consent of the Court to a transaction, unless the Court or the Land Valuation Committee, as the case may be, is satisfied that the delay in making the application was due to mistake (whether of fact or of law) of the parties or any of them or of any other person or to circumstances beyond the control of the parties or of any of them, and that the delay has not been used for the purpose of contravening the provisions of this Act.” 35
40

Law Practitioners

55. Sections to be read with Law Practitioners Act 1955—
This section and the next succeeding section shall be read
together with and deemed part of the Law Practitioners Act
5 1955* (in that section referred to as the principal Act).

*1957 Reprint, Vol. 7, p. 749
Amendments: 1961, No. 47; 1962, No. 121

56. Council of New Zealand Law Society—Section 116 of
the principal Act is hereby amended as from the fourteenth
day of December, nineteen hundred and sixty-two, by insert-
ing in subsection (1), after paragraph (a), the following
10 paragraph:

“(aa) Every Vice-President of the Society who is not for
the time being a member of the Council of the
New Zealand Law Society elected by a District
Law Society under any of the following provisions
15 of this subsection:”.

Limitation

57. Sections to be read with Limitation Act 1950—This
section and the next succeeding section shall be read together
with and deemed part of the Limitation Act 1950* (in that
20 section referred to as the principal Act).

*1957 Reprint, Vol. 8, p. 393
Amendment: 1962, No. 112

58. Extension of limitation period in case of disability—Sec-
tion 24 of the principal Act is hereby amended—

- 25 (a) By omitting from paragraph (a) the words “to which
section twenty-three of this Act applies, or of any
other action”:
(b) By adding to paragraph (c) the word “and”:
(c) By repealing paragraph (f).

Local Authorities Loans

59. Sections to be read with Local Authorities Loans Act
30 **1956—**This section and the next succeeding section shall be
read together with and deemed part of the Local Authorities
Loans Act 1956* (in that section referred to as the principal
Act).

*1957 Reprint, Vol. 8, p. 443
Amendments: 1959, No. 17; 1961, No. 71

60. Issue of debentures—Section 57 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) A debenture in form 3 may be issued only where the lender is Her Majesty the Queen or an approved corporation, and shall not be transferred except to Her Majesty or an approved corporation.”

Local Authorities (Members' Contracts)

61. Sections to be read with Local Authorities (Members' Contracts) Act 1954—This section and the next succeeding section shall be read together with and deemed part of the Local Authorities (Members' Contracts) Act 1954* (in that section referred to as the principal Act).

*1957 Reprint, Vol. 8, p. 523
Amendment: 1962, No. 80

62. Disqualifying contracts between local authorities and their members—Section 3 of the principal Act is hereby amended by inserting in the proviso, after paragraph (g), the following paragraph:

“(gg) No person shall be disqualified under this section by virtue of his being concerned or interested in any contract, whether of a continuing nature or otherwise, made before his election or appointment and in respect of which his obligations have not been performed before that election or appointment, where the amount to be paid by or on behalf of the local authority in respect of the performance of the contract has been fixed in that contract subject to such amendments and additions as may be provided for in the contract, or, where the amount to be paid by or on behalf of the local authority in respect of the performance of the contract is not ascertainable until the contract has been performed, if—

“(i) The contract is for a continuous period not exceeding twelve months from the date on which the contract is made; or

“(ii) The contract is for a continuous period exceeding twelve months from the date on which the contract is made and that person has, with the consent of the local authority, relinquished that contract before acting as a member and within one month after the date of his election or appointment, as the case may be,—

and any payment made thereafter by or on behalf of the local authority in respect of the contract shall not operate to disqualify that person for continuing to hold office or be taken into account for the purpose of computing the amount that
5 may be lawfully paid to him as a member of the local authority in the same financial year in respect of any contract or contracts:”.

Local Elections and Polls

63. Sections to be read with Local Elections and Polls Act
10 **1953**—This section and the next succeeding section shall be read together with and deemed part of the Local Elections and Polls Act 1953* (in that section referred to as the principal Act).

*1957 Reprint, Vol. 8, p. 541
Amendments: 1958, No. 48; 1960, No. 70; 1961, No. 22; 1962, No. 7

64. Enrolment of residential electors—Section 88 of the
15 principal Act is hereby amended by repealing subsection (5).

Magistrates' Courts

65. Sections to be read with Magistrates' Courts Act
1947—This section and the next two succeeding sections shall be read together with and deemed part of the Magistrates' Courts Act 1947* (in those sections referred to as the principal Act).
20

*1957 Reprint, Vol. 8, p. 647
Amendments: 1959, No. 73; 1960, No. 112; 1961, No. 20

66. Extension of jurisdiction by agreement between the parties—Section 37 of the principal Act is hereby amended by inserting, after the word “thirty-four”, the words “or
25 section 111”.

67. Interpleader—Section 111 of the principal Act is hereby amended by omitting the words “five hundred pounds”, and substituting the words “one thousand pounds”.

Maori Education Foundation

68. Sections to be read with Maori Education Foundation Act 1961—This section and the next succeeding section shall be read together with and deemed part of the Maori Education Foundation Act 1961* (in that section referred to as the principal Act).
30

*1961, No. 46
Amendment: 1962, No. 82

69. Capital of Foundation—Paragraph (b) of subsection (1) of section 21 of the principal Act is hereby amended by adding the following subparagraph:

“(v) Any money paid by the Maori Trustee to the Foundation pursuant to section 30 of the Maori Trustee Act 1953:”.

Municipal Corporations

70. Sections to be read with Municipal Corporations Act 1954—This section and the next succeeding section shall be read together with and deemed part of the Municipal Corporations Act 1954* (in that section referred to as the principal Act).

*1957 Reprint, Vol. 10, p. 377

Amendments: 1958, No. 81; 1959, No. 91; 1960, No. 73; 1961, No. 60; 1962, No. 39

71. Appeal to Magistrate’s Court against decision of Council on objections—(1) The Eighth Schedule to the principal Act is hereby amended by inserting, after clause 5, the following clauses:

“5A. Any person who is aggrieved by any determination of the Council under clause 5 of this Schedule to adopt the proposed level (with or without alterations) may appeal to a Magistrate’s Court against that determination within fourteen days after the date thereof.

“5B. On the hearing of the appeal, the Court, whose decision shall be final, may confirm or amend or set aside the determination of the Council.”

(2) The Tenth Schedule to the principal Act is hereby amended by adding, as clauses 2 and 3, the following clauses:

“2. Any person who is aggrieved by any determination of the Council under paragraph (d) of clause 1 of this Schedule to proceed with the work proposed (with or without alterations) may appeal to a Magistrate’s Court against that determination within fourteen days after the date thereof. Pending the decision of the Court on the appeal, the Council shall not proceed with the work.

“3. On the hearing of the appeal, the Court, whose decision shall be final, may confirm or amend or set aside the determination of the Council.”

Mutual Insurance

72. Sections to be read with Mutual Insurance Act 1955—

This section and the next succeeding section shall be read together with and deemed part of the Mutual Insurance Act 1955* (in that section referred to as the principal Act).

*1957 Reprint, Vol. 10, p. 615

73. Power to join farmers' welfare organisations in acquiring land, etc.—(1) The principal Act is hereby amended by inserting, after section 11, the following section:

10 “11A. (1) An association shall also have power to hold land as tenant in common in equal or unequal shares with any body corporate or other organisation the principal object of which is to foster the social or economic welfare of persons living on farms or outside the boundaries of cities and boroughs, if the association and body corporate or organisation have or propose to establish on the land offices for the transaction of their respective businesses.

15 “(2) The Board, on behalf of the association, may from time to time sell or mortgage the association's estate or interest in any land held in accordance with this section, and may 20 join with any other tenant in common in selling, mortgaging, granting leases of, or letting any such land, and may also enter into arrangements concerning the management and occupation of any such land and the buildings thereon upon such terms and conditions as shall be mutually agreed upon 25 between the Board and the other tenant in common.”

(2) Subsection (5) of section 31 of the principal Act is hereby amended by inserting, after paragraph (b), the following paragraph:

30 “(bb) To purchase or acquire or take on lease any land which the association is empowered to hold pursuant to section 11 or section 11A of this Act:”.

(3) Subsection (2) of section 36 of the principal Act is hereby amended—

35 (a) By inserting, after the words “its business”, the words “or the association and any tenant in common with it intend to have offices for the transaction of their respective businesses”:

(b) By inserting, after the words “any such land”, the words “or any estate or interest therein as tenant in common”:

40 (c) By inserting, after the words “any such building”, the words “as aforesaid”.

National Expenditure Adjustment

74. Sections to be read with National Expenditure Adjustment Act 1932—This section and the next succeeding section shall be read together with and deemed part of the National Expenditure Adjustment Act 1932* (in that section referred to as the principal Act). 5

*1957 Reprint, Vol. 10, p. 707
Amendment: 1960, No. 74

75. Repealing provisions for reductions of dividends on cumulative preference shares—(1) The following enactments are hereby repealed:

(a) Section 41 of the principal Act: 10

(b) Paragraph (c) of subsection (1) of section 84 of the Mortgagees and Lessees Rehabilitation Act 1936.

(2) Notwithstanding the repeal of section 41 of the principal Act, the provisions of that section shall, in relation to the cumulative preference shares issued by any company, continue to apply, as if it had not been repealed, with respect to those shares until the expiration of the financial year of the company that was current immediately before the passing of this Act. 15

New Zealand Army

76. Sections to be read with New Zealand Army Act 1950—This section and the next two succeeding sections shall be read together with and deemed part of the New Zealand Army Act 1950* (in those sections referred to as the principal Act).

*1957 Reprint, Vol. 11, p. 1
Amendments: 1959, No. 26; 1960, No. 78; 1961, No. 29; 1962, No. 88

77. Drunkenness dealt with summarily—Section 75 of the principal Act is hereby amended by omitting from subsection (2) the words “or after the offender was warned for duty”. 25

78. Army Board may restore lost seniority—Section 86 of the principal Act is hereby amended by adding to subsection (2) the following further proviso: 30

“Provided further that the Army Board may restore the whole or any part of any lost seniority of rank or seniority or service for promotion in the case of an officer or a warrant officer who may perform good and faithful service or who may otherwise be deemed by the Army Board to merit that restoration.” 35

Oaths and Declarations

79. Sections to be read with Oaths and Declarations Act 1957—This section and the next succeeding section shall be read together with and deemed part of the Oaths and
 5 Declarations Act 1957* (in that section referred to as the principal Act).

*1957 Reprint, Vol. 11, p. 381

80. Meaning of “Commonwealth representative”—Section 2 of the principal Act is hereby amended by inserting in the definition of the term “Commonwealth representative”, after
 10 the words “Consular Officer”, the word “Pro-consul”.

Post Office

81. Sections to be read with Post Office Act 1959—This section and the next two succeeding sections shall be read together with and deemed part of the Post Office Act 1959*
 15 (in those sections referred to as the principal Act).

*1959, No. 30
 Amendments: 1960, No. 106; 1961, No. 94; 1962, No. 27

82. Opening of postal articles—Subsection (1) of section 31 of the principal Act (as amended by section 3 of the Post Office Amendment Act 1962) is hereby further amended by omitting the words “who, before the opening of the articles,
 20 shall make the declaration set forth in the First Schedule to this Act”.

83. Staff regulations—(1) Subsection (2) of section 223 of the principal Act is hereby amended by inserting, after paragraph (h), the following paragraph:

25 “(hh) Providing for the recovery from an officer, after inquiry and with the concurrence of the Controller and Auditor-General, of an amount not exceeding the amount of any ascertained or assessable damage to Crown property or loss to the Crown due to any omission or default by the officer:”

30 (2) Subsection (2) of section 223 of the principal Act is hereby further amended by adding the following paragraph:

35 “(m) Empowering the Director-General to prescribe allowances and make grants, and to prescribe the terms, conditions, and rates or amounts of allowances and grants, that may be paid to officers in addition to, or instead of, salary or wages.”

(3) Subsection (1) of section 196 of the principal Act is hereby amended by adding the following paragraph:

“(k) Any surcharge or other penalty exceeding two pounds imposed on the appellant under paragraph (hh) of subsection (2) of section 223 of this Act.”

5

(4) Subsection (2) of section 196 of the principal Act is hereby amended by adding the words “or under any regulations made pursuant to paragraph (m) of subsection (2) of section 223 of this Act in relation to allowances or grants”.

(5) Subsection (4) of section 219 of the principal Act is hereby repealed.

10

Primary Products Marketing

84. Sections to be read with Primary Products Marketing Act 1953—This section and the next succeeding section shall be read together with and deemed part of the Primary Products Marketing Act 1953* (in that section referred to as the principal Act).

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*1957 Reprint, Vol. 12, p. 117

85. Definition of “primary product”—Section 2 of the principal Act is hereby amended by omitting from the definition of the term “primary product” (as substituted by section 2 of the Primary Products Marketing Amendment Act 1954) the words “or citrus fruit farming”, and substituting the words “citrus fruit farming, raspberry fruit growing, or hop growing”.

20

Public Bodies Meetings

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86. Sections to be read with Public Bodies Meetings Act 1962—This section and the next succeeding section shall be read together with and deemed part of the Public Bodies Meetings Act 1962* (in that section referred to as the principal Act).

30

*1962, No. 113

87. Provisions applying when meeting open to public—Section 5 of the principal Act is hereby amended—

- (a) By omitting from paragraph (a) the words “duly accredited representatives of any newspaper”, and substituting the words “bona fide reporters for any newspaper or news service”;
- (b) By adding to paragraph (a) the words “or any news service”.

35

Rangiora High School

5 88. Sections to be read with Rangiora High School Act 1881—This section and the next succeeding section shall be read together with and deemed part of the Rangiora High School Act 1881* (in that section referred to as the principal Act).

*1881, No. 15 (Local)

89. Date of annual meeting—Section 9 of the principal Act is hereby amended by omitting the word “April”, and substituting the word “June”.

10 *Rehabilitation*

90. Sections to be read with Rehabilitation Act 1941—This section and the next succeeding section shall be read together with and deemed part of the Rehabilitation Act 1941* (in that section referred to as the principal Act).

*1957 Reprint, Vol. 13, p. 233
Amendment: 1959, No. 79

15 91. Rehabilitation Board—(1) Subsection (2) of section 4 of the principal Act is hereby amended by repealing paragraph (ff) (which paragraph was inserted by section 3 of the Rehabilitation Amendment Act 1947), and substituting the following paragraph:

20 “(ff) The Secretary for War Pensions:”.

(2) Section 3 of the Rehabilitation Amendment Act 1947 is hereby repealed.

Reserves and Domains

25 92. Sections to be read with Reserves and Domains Act 1953—This section and the next succeeding section shall be read together with and deemed part of the Reserves and Domains Act 1953* (in that section referred to as the principal Act).

*1957 Reprint, Vol. 13, p. 323
Amendments: 1958, No. 90; 1960, No. 87

30 93. Funds of Boards—Section 70 of the principal Act is hereby amended by adding the following subsection:

“(4) Notwithstanding the provisions of subsections (2) and (3) of this section, where a local authority is a Domain Board appointed under section 47 of this Act, the Board may pay

all such moneys into the general bank account of the local authority and such moneys may be withdrawn from the bank account in such manner as the local authority may lawfully authorise.”

Royal New Zealand Air Force

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94. Sections to be read with Royal New Zealand Air Force Act 1950—This section and the next succeeding section shall be read together with and deemed part of the Royal New Zealand Air Force Act 1950* (in that section referred to as the principal Act).

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*1957 Reprint, Vol. 13, p. 455

Amendments: 1959, No. 27; 1960, No. 88; 1961, No. 97; 1962, No. 99

95. Unit and other funds—(1) The principal Act is hereby amended by inserting in Part II, after section 23A (as inserted by section 3 of the Royal New Zealand Air Force Amendment Act 1962), the following section:

“23B. (1) The Air Board may from time to time, by Air Board Order, establish or authorise the establishment of such funds under such names as it thinks fit for the benefit of units, groups, or stations within the Air Force, members of the Air Force, their dependants, and the dependants of deceased members, visiting servicemen, and such other persons and objects of any kind whatsoever as the Air Board considers will be of advantage to the Air Force and its members.

“(2) The Air Board may from time to time issue Air Board Orders—

“(a) Providing for the administration, supervision, control, investment, accounting, and auditing of the assets of any fund established under this section: 25

“(b) Varying the objects of any such fund, or abolishing any such fund and transferring its assets to any other such fund, having due regard to the purposes for which the varied or abolished fund was established and to any conditions specifically imposed by any person from whom any money in the fund was received, and subject, in the case of any fund to which section 4 of the Finance Act 1951 applies, to the provisions of that section. 30 35

“(3) Notwithstanding anything in the Public Revenues Act 1953, the assets of any fund established under this section shall be deemed not to be public moneys or public stores within the meaning of that Act: 40

“Provided that the accounts of any fund established under this section may, if considered desirable by the Controller and Auditor-General, be audited by the Audit Office, which for that purpose shall have all such powers as it has under the
5 Public Revenues Act 1953 in respect of public money and public stores.

“(4) The Crown shall not be liable in respect of any loss sustained by any fund established under this section, whether arising out of any act or omission of any employee of the
10 Crown or for any other cause whatsoever.

“(5) The provisions of this section shall apply with respect to all funds established before the commencement of this section for any of the purposes specified in subsection (1) of this section and in existence at the commencement of this
15 section as if they had been established by the Air Board under this section. If any question arises as to whether any fund is a fund to which this subsection applies, it shall be decided by the Minister with the concurrence of the Minister of Finance, and that decision shall be final.

“(6) Where any unit of the Air Force has been abolished, altered, or reconstituted, whether before or after the commencement of this section, its unit funds and all other private property of the unit shall be at the disposal of the Air Board, and accordingly shall be transferred to or held or disposed
20 of for the benefit of such unit or units of the Air Force, or otherwise for such purposes as are authorised by subsection (1) of this section, as the Air Board may determine.”

(2) Section 23 of the principal Act is hereby amended by repealing subsection (2).

30

Sale of Liquor

96. Sections to be read with Sale of Liquor Act 1962—This section and the next two succeeding sections shall be read together with and deemed part of the Sale of Liquor Act 1962* (in those sections referred to as the principal Act).

*1962, No. 139

35

97. Who may hold licences—(1) Section 72 of the principal Act is hereby amended, as from the commencement of the principal Act, by repealing paragraph (c), and substituting the following paragraphs:

40

“(c) Any company within the meaning of the Companies Act 1955; or

“(cc) Any other body corporate (other than the Licensing Trust of a licensing trust district) expressly authorised by any enactment or by its rules or other instrument of incorporation to hold a licence under this Act or under the provisions of any previous enactment relating to the sale of liquor, or to conduct the business in respect of which the licence is granted; or”.

(2) Section 157 of the principal Act is hereby amended by omitting from paragraph (c) of subsection (5) the word “available”, and substituting the words “that are available or are likely to be made available”.

(3) Section 157 of the principal Act is hereby further amended by repealing subsection (6), and substituting the following subsection:

“(6) No wine reseller’s licence shall be granted or renewed to any applicant who in the opinion of the Committee is not a fit person to be the holder of such a licence, or in respect of premises which in the opinion of the Committee are not suitable for the storage and sale of wine.”

(4) The Third Schedule to the principal Act is hereby amended—

(a) By inserting, after the reference to “Golf tournaments”, the words “Gun club meetings”:

(b) By inserting in the last item of that Schedule (which relates to certain sports tournaments or carnivals), after the word “events”, the words “(other than gun club meetings)”.

98. Special dining permit for hotel, tourist house, or chartered club—(1) Section 215 of the principal Act is hereby amended by omitting from subsection (3) the words “may be sold or supplied with liquor”, and substituting the words “may in accordance with the terms of the permit be sold or supplied with liquor”.

(2) Section 215 of the principal Act is hereby further amended by inserting, after subsection (3), the following subsection:

“(3A) Any special dining permit under this section may, if the Commission thinks fit,—

“(a) Relate only to a specified part or specified parts of the premises, and to a specified lounge or lounge bar or more than one:

“(b) Be granted subject to any conditions and restrictions imposed by the Commission.”

Stamp Duties

5 **99. Sections to be read with Stamp Duties Act 1954**—This section and the next succeeding section shall be read together with and deemed part of the Stamp Duties Act 1954* (in that section referred to as the principal Act).

*1957 Reprint, Vol. 14, p. 765
Amendments: 1958, No. 10; 1960, No. 11; 1961, No. 55

100. Refunds of duty—(1) Section 35 of the principal Act is hereby amended by omitting from subsection (1) the words “three years”, and substituting the words “six years”.

10 (2) Section 40 of the principal Act is hereby amended by—
(a) Omitting the words “twelve months”, and substituting the words “six years”:

(b) Omitting the words “less an amount equal to five per cent thereof”.

15 (3) Section 41 of the principal Act is hereby amended by omitting the words “three years”, and substituting the words “six years”.

20 (4) Section 98 of the principal Act is hereby amended by omitting the words “twelve months” in each place where they appear in the proviso, and substituting in each case the words “six years”.

Stock Remedies

25 **101. Sections to be read with Stock Remedies Act 1934**—This section and the next succeeding section shall be read together with and deemed part of the Stock Remedies Act 1934* (in that section referred to as the principal Act).

*1957 Reprint, Vol. 15, p. 279
Amendments: 1960, No. 28; 1961, No. 103; 1962, No. 104

102. Period within which stock remedies are to be used to be approved—(1) Section 8 of the principal Act is hereby amended by omitting from paragraph (d) of subsection (1) the words “and directions for its use”.

30 (2) Section 8 of the principal Act is hereby further amended by adding to subsection (1) the following paragraph:

35 “(e) The directions for the use of the stock remedy, and, in the case of stock remedies for destroying lice and keds on sheep, the period within which the stock remedy is to be used after the shearing of sheep.”

Summary Proceedings

103. Sections to be read with Summary Proceedings Act 1957—This section and the next two succeeding sections shall be read together with and deemed part of the Summary Proceedings Act 1957* (in those sections referred to as the principal Act). 5

*1957 Reprint, Vol. 15, p. 299
Amendment: 1961, No. 44

104. Notice to witnesses to attend at Supreme Court—Section 181 of the principal Act is hereby amended by omitting from subsection (1) the words “at the time and place specified in the notice”, and substituting the words “in accordance with the terms of the notice”. 10

105. When deposition may be read in evidence—Section 184 of the principal Act is hereby amended by omitting from subsection (1) the words “in any other case”, and substituting the words “in any case”. 15

Termites

106. Sections to be read with Termites Act 1940—This section and the next succeeding section shall be read together with and deemed part of the Termites Act 1940* (in that section referred to as the principal Act). 20

*1957 Reprint, Vol. 15, p. 569

107. Demolition and removal of buildings—The principal Act is hereby amended by inserting, after section 14, the following section:

“14A. (1) No person shall within the district of a local authority to which this Act applies demolish or partly demolish or remove from its site any building otherwise than in accordance with the provisions of this section. 25

“(2) Any person desirous of demolishing or partly demolishing or removing from its site any such building shall make application under section 21 of this Act for an inspection of the building. 30

“(3) If the inspection fails to disclose that there are termites in the building it may be demolished or partly demolished or removed from its site within six months after the date of the inspection. 35

- “(4) If the inspection discloses that there are termites in the building it shall not be demolished or removed from its site except under the supervision of the local authority, and the person demolishing or removing it shall, if called upon so to
- 5 do by the local authority, remove and destroy by burning, in the manner specified by the local authority, all or any of the timber in the building, and shall take all such other measures as appear to the local authority to be necessary to destroy the termites.
- 10 “(5) A local authority may require the removal and destruction of timber under subsection (4) of this section without complying with the provisions of section 11 of this Act, and that section shall be read subject to the provisions of this section.”