

Statutes Amendment Act 1949

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An Act to Amend Certain Enactments of the General Assembly of New Zealand.

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

1 Short Title

This Act may be cited as the Statutes Amendment Act 1949.

Annual holidays

2 Offences in respect of holiday cards

[Repealed]

Section 2 was impliedly repealed, as from 1 February 1982, by section 36(1) Holidays Act 1981 (1981 No 15).

Auckland University College

3 Section 4 of Auckland University College Amendment Act 1923 (as to Principal being member of Council), amended

[Repealed]

Section 3 was repealed, as from 1 January 1955, by section 39(1) University of Auckland Act 1954 (1954 No 74).

Board of trade

4 Sections 30 and 31 of Board of Trade Act 1919 (as to offences against regulations), amended

[Repealed]

Section 4 was repealed, as from 1 April 1957, by section 21(1) Industries and Commerce Act 1956 (1956 No 50).

Cinematograph films

5 Extending quota provisions of Cinematograph Films Act 1928

[Repealed]

Section 5 was repealed, as from 26 November 1953, by section 11(6)(d) Cinematograph Films Amendment Act 1953 (1953 No 71).

Divorce and matrimonial causes

6 Affidavit verifying petition

[Repealed]

6 Section 6 was repealed, as from 1 January 1965, by section 90 Matrimonial Proceedings Act (1963 No 71).

Electoral

7 Section 28 of Electoral Act 1927 (as to qualification of electors), amended

[Repealed]

Sections 7-10 were repealed, as from 1 January 1957, by section 190(1) Electoral Act 1956 (1956 No 107).

8 Closing of general rolls in Maori electoral districts

[Repealed]

Sections 7-10 were repealed, as from 1 January 1957, by section 190(1) Electoral Act 1956 (1956 No 107).

9 Authorizing expenditure on normal commercial advertising for Parliamentary candidates

[Repealed]

Sections 7-10 were repealed, as from 1 January 1957, by section 190(1) Electoral Act 1956 (1956 No 107).

10 Provisions as to cinematograph films at Parliamentary elections

[Repealed]

Sections 7-10 were repealed, as from 1 January 1957, by section 190(1) Electoral Act 1956 (1956 No 107).

Electricity

11 Functions of State Hydro-electric Department

[Repealed]

Sections 11 and 12 were repealed, as from 17 December 1968, by section 56 Electricity Act 1968 (1968 No 125).

12 Protection of persons acting under authority of Act or regulations

[Repealed]

Sections 11 and 12 were repealed, as from 17 December 1968, by section 56 Electricity Act 1968 (1968 No 125).

Explosive and dangerous goods

13 Section 2 of Explosive and Dangerous Goods Act 1908 (as to definition of dangerous goods), amended

[Repealed]

Section 13 was repealed, as from 1 April 1958, by section 40(1)(c) Dangerous Goods Act 1957 (1957 No 20).

14 Certificates of proficiency in use of explosives*[Repealed]*

Section 14 was repealed, as from 1 April 1958, by section 63(1)(c) Explosives Act 1957 (1957 No 19).

Factories**15 Section 4 of Factories Act 1946 (as to Inspectors), amended***[Repealed]*

Section 15 was repealed, as from 1 February 1982, by section 74 Factories and Commercial Premises Act 1981 (1981 No 25).

Food and drugs**16 Section 3 of Food and Drugs Act 1947 (as to what constitutes sale), amended***[Repealed]*

Sections 16 and 17 were repealed, as from 1 April 1970, by section 48 Food and Drug Act 1969 (1969 No 7).

17 Offence to sell food or drug not complying with prescribed standard*[Repealed]*

Sections 16 and 17 were repealed, as from 1 April 1970, by section 48 Food and Drug Act 1969 (1969 No 7).

Forest and rural fires**18 Moneys owing to a Fire Authority to be recoverable as a debt***[Repealed]*

Sections 18 and 19 were repealed, as from 20 October 1955, by section 62(1) Forest and Rural Fires Act 1955 (1955 No 44).

19 Fire Authority may borrow moneys*[Repealed]*

Sections 18 and 19 were repealed, as from 20 October 1955, by section 62(1) Forest and Rural Fires Act 1955 (1955 No 44).

Guardianship of infants**20 Making and enforcement of orders for guardianship and custody***[Repealed]*

Section 20 was impliedly repealed, as from 19 December 1989, by section 2(a) Infants Act Repeal Act 1989 (1989 No 145).

The reference to “one hundred dollars” was substituted, as from 10 July 1967, for a reference to “fifty pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

The reference to the “High Court” was substituted, as from 1 April 1980, for a reference to the “Supreme Court” pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

The words “District Court” and “District Court Judge” were substituted for the words “Magistrates Court” and “Magistrate”, as from 1 April 1980, pursuant to section 18(1) District Courts Amendment Act 1979 (1979 No 125).

Harbours**21 Power of Harbour Board to supply water and electricity.
Repeal***[Repealed]*

Sections 21 and 22 were repealed, as from 15 October 1950, by section 269(1) Harbours Act 1950 (1950 No 34).

22 Appeal Board. Commencement*[Repealed]*

Sections 21 and 22 were repealed, as from 15 October 1950, by section 269(1) Harbours Act 1950 (1950 No 34).

Health**23 Service of closing-orders in respect of insanitary premises that are unoccupied***[Repealed]*

Section 23 was repealed, as from 1 January 1957, by section 140(1) Health Act 1956 (1956 No 65).

Immigration restriction**24 Application of Act to arrival or removal of persons by aircraft***[Repealed]*

Section 24 was repealed, as from 1 January 1965, by section 41 Immigration Act 1964 (1964 No 43).

Industrial conciliation and arbitration**25 Provision for appointment of additional Judge of Court of Arbitration. Repeal***[Repealed]*

Sections 25 and 26 were repealed, as from 1 November 1954, by section 224(1) Industrial Conciliation and Arbitration Act 1954 (1954 No 72).

26 Section 134 of Industrial Conciliation and Arbitration Act 1925 (as to appeals from District Court Judges), amended*[Repealed]*

Sections 25 and 26 were repealed, as from 1 November 1954, by section 224(1) Industrial Conciliation and Arbitration Act 1954 (1954 No 72).

The reference to the “High Court” was substituted, as from 1 April 1980, for a reference to the “Supreme Court” pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

The words “District Court” and “District Court Judge” were substituted for the words “Magistrates Court” and “Magistrate”, as from 1 April 1980, pursuant to section 18(1) District Courts Amendment Act 1979 (1979 No 125).

Infants

27 Legal status of adopted child. Repeals

[Repealed]

Section 27 was repealed, as from 4 September 1950, by section 3(1) Infants Amendment Act 1950 (1950 No 18).

Judicature

28 Extending power to make rules conferring specified jurisdiction and powers on Registrars or Deputy Registrars

[Repealed]

Section 28 was repealed, as from 1 January 1986, by section 12 Judicature Amendment Act (No 2) 1985 (1985 No 112).

The reference to the “High Court” was substituted, as from 1 April 1980, for a reference to the “Supreme Court” pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

Juries

29 Jury lists to be compiled six months later in year. Repeals

[Repealed]

Subsections (1)-(4) were repealed, as from 25 October 1963, by section 6(1) Juries Amendment Act 1963 (1963 No 141).

Subsection (5) was repealed, as from 1 May 1982, by section 37 Juries Act 1981 (1981 No 23).

Subsections (6)-(9) were repealed, as from 25 October 1963, by section 6(1) Juries Amendment Act 1963 (1963 No 141).

30 Names of persons summoned who are granted exemption
[Repealed]

Section 30 was repealed, as from 1 December 1951, by section 4(4) Juries Amendment Act 1951 (1951 No 39).

Land

**31 Amending provisions as to acquisition of fee-simple
and as to exchange of certain leases or licences for new
renewable leases**

(1)

(2) Section one hundred and twenty-five of the Land Act 1948, is hereby amended by adding the following subsection:—

“(4) The holder of a lease in perpetuity or of a licence for occupation with right of purchase who during the currency of his lease or licence surrenders his lease or licence in exchange for a renewable lease of the same land or who, in the case of a licence for occupation with right of purchase, on the expiry of that licence exercises his right to have a renewable lease of the same land issued to him shall, notwithstanding anything contained in his lease or licence or in any former Land Act, receive a renewable lease under the provisions of this Act. The rental value of the land, the value of improvements, and the yearly rent for the purposes of any such renewable lease shall be calculated in accordance with the provisions of Part VIII of this Act, and, in the case of an exchange, shall be so calculated as if the surrendered lease or licence were a renewable lease which had expired on the date of the surrender and as if the lessee or licensee were entitled to a renewal thereof on that date.”

Subsection (1) was repealed, as from 1 December 1950, by section 13(2) Land Amendment Act 1950 (1950 No 96).

Land transfer

32 Authorizing destruction of office copy of discharged mortgage where outstanding duplicate surrendered
[Repealed]

Section 32 was repealed, as from 1 January 1953, by section 245(1) Land Transfer Act 1952 (1952 No 52).

Land Valuation Court

33 Application for extension of time for appeal may be made before or after expiration of time fixed for appeal
[Repealed]

Section 33 was repealed, as from 1 April 1969, by section 13(2)(a) Land Valuation Proceedings Amendment Act 1968 (1968 No 42).

Marketing

34 Records to be kept in respect of production or treatment, etc, of milk. Offences

The Marketing Amendment Act 1937, is hereby amended by inserting, after section six, the following sections:—

“6A

- (1) Every person carrying on any business which includes the production, collection, treatment, storage, distribution or sale of milk within the meaning of the Milk Act 1944, shall for the purposes of this Act keep proper books and accounts, and such other records as may from time to time be required by notice in writing given to that person by the Director of Marketing, and shall, except as otherwise authorized in writing by the Director, preserve such books, accounts, and records as aforesaid for a period of not less than five years.
- “(2) Every person commits an offence against the principal Act who fails to comply with any provision of this section or of any requirement thereunder.

“6B

Every person commits an offence against the principal Act who refuses to give information or gives false information or makes any misleading statement or material omission in any answer to any inquiry made pursuant to the principal Act or any regulations thereunder, or in any communication with or application or return made to the Director of Marketing or any other person for the purposes of the principal Act or this Act or any regulations thereunder.”

Masterton licensing restoration**35 Power of Pahiatua Licensing Committee to grant licence before next annual meeting. Repeal**

- (1) Section six of the Masterton Licensing Restoration Act 1947, as amended by section twenty-eight of the Statutes Amendment Act 1948, is hereby further amended by omitting from paragraph (a) of subsection one the words “nineteen hundred and forty-nine”, and substituting the words “nineteen hundred and fifty”.
- (2) Nothing in sections forty-nine to fifty-seven of the Licensing Amendment Act 1948, shall apply to any application for a publican’s licence pursuant to the said section six, or to the granting of such a licence thereunder, for any premises in respect of which an application for a publican’s licence was made after the passing of the Masterton Licensing Restoration Act 1947, and before the passing of the Licensing Amendment Act 1948.
- (3) Section twenty-eight of the Statutes Amendment Act 1948, is hereby repealed.

Mortgagors and lessees rehabilitation**36 Extending period for applications to Court of Review to interpret or amend orders. Repeal**

- (1) Section forty-nine of the Statutes Amendment Act 1939, as amended by section forty-five of the Statutes Amendment Act 1947, is hereby further amended by omitting from subsection two the words “on an application made not later than the thirty-first day of December, nineteen hundred and forty-nine by”,

and substituting the words “on an application made not later than the thirty-first day of December, nineteen hundred and fifty by”.

- (2) Section forty-five of the Statutes Amendment Act 1947, is hereby repealed.

Municipal corporations

37 Powers of Borough Councils (as to public recreation and instruction) extended

[Repealed]

Section 37 was repealed, as from 1 December 1950, by section 4(2) Municipal Corporations Amendment Act 1950 (1950 No 60).

New Zealand Council of Law reporting

38 Restricting publication of new series of reports of decisions of Land Valuation Court

Section twelve of the New Zealand Council of Law Reporting Act 1938, is hereby amended by inserting in subsection three,

after the words “Court of Appeal”, the words “or of the Land Valuation Court”.

New Zealand Institute of Architects

39 Section 37 of New Zealand Institute of Architects Act 1913 (as to keeping of list of members), amended

[Repealed]

Section 39 was repealed, as from 1 April 1964, by section 58 Architects Act 1963 (1963 No 12).

New Zealand Society of Accountants

40 Section 34 of New Zealand Society of Accountants Act 1908 (as to keeping of list of members), amended

[Repealed]

Section 40 was repealed, as from 1 December 1958, by section 35 New Zealand Society of Accountants Act 1958 (1958 No 42).

Opticians

41 Extending provisions as to qualifications of applicants for registration as opticians

[Repealed]

Section 41 was repealed, as from 1 April 1977, by section 55 Optometrists and Dispensing Opticians Act 1976 (1976 No 61).

Police offences

42 Sunday trading at bookstalls at aerodromes and bus terminals

[Repealed]

Section 42 was repealed, as from 5 February 1956, by section 4(3)(b) Shops and Offices Act 1955 (1955 No 32).

43 Regulations for preventing persons being on ships for unauthorized or improper purposes

[Repealed]

Section 43 was repealed, as from 1 December 1950, by section 2(4) Police Offences Amendment Act 1950 (1950 No 95).

The reference to “forty dollars” was substituted, as from 10 July 1967, for a reference to “twenty pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

Post and telegraph

44 Extending time within which information under section 194(a) of Post and Telegraph Act 1928, may be laid

[Repealed]

Sections 44 and 45 were repealed, as from 1 January 1966, by section 250 Post Office Act 1959 (1959 No 30).

45 Amendments consequential on change of name of employees’ organization

[Repealed]

Sections 44 and 45 were repealed, as from 1 January 1966, by section 250 Post Office Act 1959 (1959 No 30).

Poultry-runs registration

46 Unauthorized expenditure of Board

[Repealed]

Section 46 was repealed, as from 1 July 1977, by section 32 Poultry Board Act 1976 (1976 No 136).

The reference to “one hundred dollars” was substituted, as from 10 July 1967, for a reference to “fifty pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

Prisons

47 Deputy Controller-General of Prisons

[Repealed]

Section 47 was repealed, as from 1 January 1955, by section 49(1) Penal Institutions Act 1954 (1954 No 51).

Property law

48 Tenancy deemed to be determinable on one month’s notice in absence of proof to contrary

(1)

(2) The District Courts Act 1947, is hereby amended as follows:—

(a) By repealing subsection two of section thirty-one:

- (b) By omitting from subsection one of section thirty-two the words “A tenant holding land on any tenancy shall, for the purposes of this section, be deemed to be holding the land on a monthly tenancy unless he proves that there is an agreement for a tenancy of some other duration”.

Subsection (1) was repealed, as from 1 January 1953, by section 155(2) Property Law Act 1952 (1952 No 51).

The words “District Court” were substituted for the words “Magistrates Court” and “Magistrate”, as from 1 April 1980, pursuant to section 18(1) District Courts Amendment Act 1979 (1979 No 125).

Public reserves, domains, and national parks

49 Easements may be granted or reserved over public reserves or public domains

[Repealed]

Section 49 was repealed, as from 1 April 1954, by section 107(1) Reserves and Domains Act 1953 (1953 No 69).

Royal Society of New Zealand

50 Constitution of Society and Council altered

[Repealed]

Section 50 was repealed, as from 1 January 1966, by section 30 Royal Society of New Zealand Act 1965 (1965 No 38).

Scaffolding and excavation

51 Section 3 of Scaffolding and Excavation Act 1922 (as to Inspectors), amended

[Repealed]

Section 51 was repealed, as from 1 April 1960, by section 31 Construction Act 1959 (1959 No 32).

Scientific and industrial research

52 Provision of National Research Fellowships or other awards for scientific research

[Repealed]

Section 52 was repealed, as from 1 January 1953, by section 18(1) Scientific and Industrial Research Act 1952 (1952 No 12).

Shops and offices

53 Requisitions as to closing-hours for chemists' shops

[Repealed]

Sections 53 and 54 were repealed, as from 5 February 1956, by section 50(1) Shops and Offices Act 1955 (1955 No 32).

54 Section 19 of Shops and Offices Amendment Act 1927 (as to exemptions from closing-hour provisions), amended
[Repealed]

Sections 53 and 54 were repealed, as from 5 February 1956, by section 50(1) Shops and Offices Act 1955 (1955 No 32).

Superannuation

55 Amendment consequential on change of name of service organization
[Repealed]

Section 55 was repealed, as from 1 April 1957, by section 99(1) Superannuation Act 1955 (1955 No 47).

Tenancy

56 Sections to be read with Tenancy Act 1948
[Repealed]

Sections 56-58 were repealed, as from 21 October 1955, by section 59(1) Tenancy Act 1955 (1955 No 50).

57 No Court fees to be payable in respect of application to fix fair rent
[Repealed]

Sections 56-58 were repealed, as from 21 October 1955, by section 59(1) Tenancy Act 1955 (1955 No 50).

The reference to the “High Court” was substituted, as from 1 April 1980, for a reference to the “Supreme Court” pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

58 Section 31 of Tenancy Act 1948 (as to wrongful eviction), amended

[Repealed]

Sections 56-58 were repealed, as from 21 October 1955, by section 59(1) Tenancy Act 1955 (1955 No 50).

Undesirable immigrants exclusion

59 Application of Act to arrival or removal of persons by aircraft

[Repealed]

Section 59 was impliedly repealed, as from 1 November 1987, by section 151(2) Immigration Act 1987 (1987 No 74).

Valuation of land

60 Amending provisions as to acquisition of land by the Crown

[Repealed]

Section 60 was repealed, as from 1 January 1952, by section 50(1) Valuation of Land Act 1951 (1951 No 19).

A reference to the Valuation of Land Act 1925 was substituted, as from 1 April 1926, for a reference to the Valuation of Land Act 1908 by section 60 Valuation of Land Act 1925 (1925 No 31). This reference was in turn substituted, as from 1 January 1952, by a reference to the Valuation of Land Act 1951 by section 50(1) Valuation of Land Act 1951 (1951 No 19).

Workers' compensation

61 Workers' Compensation Act 1922, to apply to all occupations. Repeals

[Repealed]

Sections 61 and 62 were repealed, as from 1 April 1957, by section 138(1) Worker's Compensation Act 1956 (1956 No 62).

62 Damage to teeth

[Repealed]

Sections 61 and 62 were repealed, as from 1 April 1957, by section 138(1) Worker's Compensation Act 1956 (1956 No 62).

The reference to "twenty dollars" was substituted, as from 10 July 1967, for a reference to "ten pounds" pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).