

New Zealand



ANALYSIS

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| <p style="text-align: center;"><i>Title.</i></p> <p>1. Short Title.</p> <p style="text-align: center;"><i>Administration.</i></p> <p>2. State Fire Insurance General Manager may enter into administration bonds.</p> <p style="text-align: center;"><i>Auckland University College.</i></p> <p>3. Appointment of lecturers to Professorial Board.</p> <p style="text-align: center;"><i>Bankruptcy.</i></p> <p>4. Abolishing lien over bankrupt's books.</p> <p style="text-align: center;"><i>Child Welfare.</i></p> <p>5. Extension of power to regulate the employment of children.</p> <p style="text-align: center;"><i>Companies.</i></p> <p>6. Vesting shares of deceased member without requiring probate or letters of administration.</p> <p style="text-align: center;"><i>Cook Islands.</i></p> <p>7. Appointment of Commissioners of Native Land Court, Cook Islands.</p> <p style="text-align: center;"><i>Counties.</i></p> <p>8. Payment of wages from Imprest Accounts.</p> <p style="text-align: center;"><i>Dentists.</i></p> <p>9. Exemption of staff of Dental School from requirement to obtain annual practising certificate.</p> | <p style="text-align: center;"><i>Education.</i></p> <p>10. This section and next two sections to form part of Education Act, 1914.</p> <p>11. Procedure for payment by Education Boards of salaries and allowances of teachers.</p> <p>12. Restriction upon transfer of teachers within two years after receiving permanent appointment. Repeal.</p> <p style="text-align: center;"><i>Electoral.</i></p> <p>13. This section and next five sections to form part of Electoral Act, 1927.</p> <p>14. Consent to nomination of persons outside New Zealand.</p> <p>15. Extending provisions as to postal voting.</p> <p>16. Applying provisions as to absent voters and postal voting to Maoris.</p> <p>17. Voting at elections and licensing polls by members of Forces who are serving continuously in New Zealand.</p> <p>18. Voting by seamen in ships outside New Zealand waters.</p> <p style="text-align: center;"><i>Electric-power Boards.</i></p> <p>19. This section and next five sections to form part of Electric-power Boards Act, 1925.</p> <p>20. Deputy Chairman of Board.</p> <p>21. Cost of load surveys in areas beyond jurisdiction of Boards.</p> |
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54. Payment of wages from Imprest Accounts.
55. Advances made in respect of drainage to be a charge on property.
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58. Time for effecting certain registrations extended.

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59. This section and next four sections to form part of Petroleum Act, 1937.
60. Term of prospecting licenses may be extended.
61. Power to suspend investigations under prospecting licenses.
62. Power to suspend drilling under prospecting licenses.
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67. Section 75 of Post and Telegraph Act, 1928 (as to deposits in Post Office Savings-bank), amended.

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68. Permanent members of Police Force may become contributors to Superannuation Fund in respect of previous temporary service.

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69. This section and next two sections to form part of Rabbit Nuisance Act, 1928.
70. Rabbit Board may establish an Imprest Account.
71. Deposit of money at interest.

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72. Form of voting-papers to be used at polls under the Rating Act, 1925.

Shops and Offices.

73. Statutory closing-day in New Brighton area.

Tongariro National Park.

74. Offence to allow animals to trespass on Tongariro National Park.

Town-planning.

75. This section and next five sections to form part of Town-planning Act, 1926.
76. Failure to comply with scheme.
77. Prohibition of erection of buildings or works on sites of proposed streets, &c.
78. Compensation in respect of proposed streets or reserves shown in plans.
79. Local authority under no obligation to acquire land.
80. Power to make regulations extended.

Transport Licensing.

81. This section and next six sections to form part of Transport Licensing Act, 1931.
82. Transport Appeal Authority.
83. Certain persons not qualified to be Appeal Authority.
84. Deputy of Appeal Authority.
85. Procedure of Appeal Authority.
86. Appeal Authority to determine appeals from decisions of Licensing Authorities. Consequential amendments.
87. Regulations to require licensees to join transport organization.
- Schedule.

1941, No. 26

AN ACT to amend certain Enactments of the General Assembly of New Zealand. [17th October, 1941] Title.

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

1. This Act may be cited as the Statutes Amendment Act, 1941. Short Title.

Administration.

2. Section twenty-two of the Administration Act, 1908, is hereby amended by adding to subsection one the words “ or the security of the State Fire Insurance General Manager ”. State Fire Insurance General Manager may enter into administration bonds.

Auckland University College.

3. Section twenty-one of the Auckland University College Act, 1882, is hereby amended by omitting the words “ not exceeding two ”. See Reprint of Statutes, Vol. III, p. 135
Appointment of lecturers to Professorial Board.

Bankruptcy.

4. (1) This section shall be read together with and deemed part of the Bankruptcy Act, 1908. Abolishing lien over bankrupt's books.

(2) No person shall be entitled as against the Official Assignee to withhold possession of the books of account of the bankrupt, or any papers or documents relating to the accounts or to any trade dealings of the bankrupt, or to claim any lien thereon. See Reprint of Statutes, Vol I, p. 466
Cf. Bankruptcy Act, 1924, s. 99 (3) (Aust.)

Child Welfare.

5. (1) Section forty-five of the Child Welfare Act, 1925, is hereby amended by repealing paragraph (g) thereof, and substituting the following paragraph:—

“(g) Regulating, restricting, or prohibiting the employment of children, the undertaking of work by children, performances by children at public entertainments, and the attendance of children at places of entertainment.” Extension of power to regulate the employment of children.
See Reprint of Statutes, Vol. III, p. 1111

(2) The power to make regulations for any of the purposes referred to in the last preceding subsection shall not be deemed to be limited by any other provisions of the principal Act or by the provisions of any other Act or of any regulations or by-laws made under the authority of any such Act, but any regulations made under the principal Act for the purposes mentioned in this section may be expressed to be subject in whole or in part to the provisions of any such Act, regulations, or by-laws as aforesaid.

(3) Any regulations made under the principal Act for the purposes mentioned in this section may apply generally throughout New Zealand or within any specified part or parts thereof, and may from time to time by notice in the *Gazette* be applied by the Minister, with or without modification, to any specified part of New Zealand, and any such notice may be at any time in like manner amended or revoked.

(4) The operation of any such regulations may be wholly suspended until they are applied by the Minister in accordance with the last preceding subsection.

Companies.

6. (1) This section shall be read together with and deemed part of the Companies Act, 1933.

(2) Where the registered holder of any shares in or debentures of a company has died, whether before or after the passing of this Act, and the total amount paid up on the shares or owing under the debentures does not exceed one hundred pounds, the directors of the company may in their discretion and without requiring the production of probate or letters of administration, resolve that any person be registered as the holder of the shares or debentures who proves to the satisfaction of the directors—

- (a) That he is entitled thereto under the will or on the intestacy of the deceased member or debenture-holder; or
- (b) That he is entitled to obtain probate of the will of the deceased member or debenture-holder, or letters of administration of his estate; and

Vesting
shares of
deceased
member
without
requiring
probate or
letters of
administration.
1933, No. 29

(c) That in neither case has any grant been made of any such probate or letters of administration.

(3) After the passing of any resolution as aforesaid the company shall upon production of the share certificate or debentures (if any have been issued to the deceased member or debenture-holder) register the person referred to in the resolution as the holder of the shares or debentures, as the case may be, and thereupon that person shall become entitled thereto, subject to all outstanding interests or equities affecting the same.

(4) Notice of any exercise of the powers conferred by this section shall within fourteen days thereafter be given by the company to the Commissioner of Stamp Duties.

(5) If the company fails to comply with the last preceding subsection, the company and every officer of the company who is in default shall be liable to a default fine.

Cook Islands.

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

(2) The Governor-General may from time to time appoint any Registrar of the Native Land Court or any other fit person to be a Commissioner of that Court.

(3) A Commissioner so appointed shall possess and may exercise such of the powers and functions of a Judge of the Native Land Court (other than those vested exclusively in the Chief Judge) as the Governor-General by Order in Council from time to time determines either generally or with respect to any particular Commissioner or Commissioners, and all references in the principal Act or in any other enactment to a Judge of the Native Land Court shall be construed as applying to a Commissioner within the limits of the jurisdiction conferred upon him.

(4) Rules of Court may provide for appeals from a Commissioner to a Judge of the Native Land Court.

Appointment of
Commissioners
of Native
Land Court,
Cook Islands.

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

Re
No

Payment of
wages from
Imprest
Accounts.

See Reprint
of Statutes,
Vol. V, p. 271

Exemption
of staff of
Dental School
from
requirement
to obtain
annual
practising
certificate.

1936, No. 57

This section
and next two
sections
to form part
of Education
Act, 1914.

See Reprint
of Statutes,
Vol. II, p. 1007

Procedure for
payment by
Education
Boards of
salaries and
allowances
of teachers.

REP. 1960
No. s.

Counties.

8. Section seven of the Counties Amendment Act, 1925, is hereby amended by omitting from subsection four the word "casual".

Dentists

9. Section thirty-two of the Dentists Act, 1936, is hereby amended by adding to subsection six thereof the following:—

“ ; or

“(c) Any person who is engaged in the practice of dentistry only in relation to his duties as a member of the Faculty of Dentistry in the University of Otago.”

Education.

10. This section and the next two succeeding sections shall be read together with and deemed part of the Education Act, 1914 (in those sections referred to as the principal Act).

11. (1) Notwithstanding anything to the contrary in section thirty-five of the principal Act, any Education Board may keep at any bank or banks an account to be known as the Teachers' Salaries Account, and the moneys for the time being in any such account shall be available in accordance with this section for the payment of the salaries and allowances of teachers and other persons employed by the Board in connection with the schools under its control.

(2) Any moneys payable out of the Public Account to any Education Board to enable it to pay such salaries or allowances may, at the request of the Board, be paid into the appropriate Teachers' Salaries Account, or, if paid into the Account referred to in the said section thirty-five, may be transferred by the Board to the appropriate Teachers' Salaries Account.

(3) Any moneys for the time being standing to the credit of any Board in a Teachers' Salaries Account may be withdrawn by the persons severally entitled thereto in accordance with advice furnished to the bank by the Board.

(4) Such moneys shall be withdrawn only by special cheques to be provided by the Board for the purpose. Every such cheque shall be signed by the person entitled to receive the payment to which the cheque relates, and, if the Board so requires, shall be countersigned by the head teacher of the school or other person authorized by the Board to countersign such cheques. Any moneys in a Teachers' Salaries Account that are not duly withdrawn in accordance with this subsection may be at any time transferred by the Board to its Education Board Account.

(5) For the purposes of this section the term "school" includes a teachers' training college, and the term "teacher" includes a person undergoing a course of training at or in connection with a teachers' training college.

(6) Any arrangement heretofore made by an Education Board for the payment of the salaries and allowances of teachers and other persons employed by the Board in connection with any school or schools under its control, and all payments made pursuant to any such arrangement, shall be deemed to have been made with lawful authority if such arrangement could have been lawfully made under this section if it had then been in force.

12. (1) This section applies with respect to teachers who, whether before or after the passing of this Act, have been permanently appointed as teachers in a school under the control of the Department, or in a teachers' training college, or in a public school, secondary school, technical school, or combined school under the principal Act, or at any manual-training centre established under that Act.

Restriction upon transfer of teachers within two years after receiving permanent appointment.

(2) Except as provided in the next succeeding subsection, no teacher with respect to whom this section applies shall be eligible to apply for or to be appointed to a new permanent position as a teacher before the expiry of a period of two years from the date on which he commenced duty in the position to which he was last permanently appointed.

AmD. 19
No. 8.

(3) In special circumstances a teacher with respect to whom this section applies may at any time within

the aforesaid period of two years apply for or receive a new permanent appointment in accordance with the following provisions, that is to say:—

- (a) With the approval of the Public Service Commissioner, in the case of a teacher who is subject to the Public Service Act, 1912:
- (b) With the approval of the Minister, in the case of a teacher who, by virtue of an Order in Council under section seventeen of the Statutes Amendment Act, 1939, is under the control of the Minister:
- (c) With the approval of the Director, given on the recommendation of the Senior Inspector, and of the Education Board by which the teacher is employed, in the case of a teacher in a public school or a teachers' training college:
- (d) With the approval of the Director, given on the recommendation of the governing body or the controlling authority of any secondary school, technical school, or combined school, in the case of a teacher employed in any such school, or, in the case of a teacher employed at a manual-training centre, given on the recommendation of the authority controlling that centre.

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

1939, No. 39

REF. 19
No. 8.
Substituta.

Repeal.
1932-33, No. 49
1938, No. 14

(4) Subsection nine of section two of the Education Amendment Act, 1932-33, is hereby repealed. The reference to the said subsection in paragraph (b) of section four of the Education Amendment Act, 1938, shall hereafter be read as a reference to the foregoing provisions of this section.

Electoral.

13. This section and the next five succeeding sections shall be read together with and deemed part of the Electoral Act, 1927 (in those sections referred to as the principal Act).

14. (1) Section one hundred and ten of the principal Act is hereby amended by adding to subsection two the following proviso:—

“ Provided that the consent of any person who is for the time being outside New Zealand may be signified to the Returning Officer in any manner approved by the Chief Electoral Officer.”

This section
and next five
sections to
form part of
Electoral Act,
1927.

See Reprint
of Statutes,
Vol. VI, p. 469

Consent to
nomination
of persons
outside New
Zealand.

(2) Section one hundred and eighty-six of the principal Act is hereby amended by adding to paragraph (m) of subsection one the following proviso:—

“ Provided that the consent of any person who is for the time being outside New Zealand may be signified to the Returning Officer in any manner approved by the Chief Electoral Officer.”

15. Section one hundred and forty of the principal Act is hereby amended by inserting in subsection one, after paragraph (e), the following paragraphs:—

Extending provisions as to postal voting.

“(f) Has a religious objection to attending at any polling-place to vote on the day of the week on which polling-day falls:

“(g) Is authorized by the Chief Electoral Officer, on any ground deemed by him to be sufficient, to vote in accordance with this section.”

16. The provisions of sections one hundred and thirty-nine and one hundred and forty of the principal Act and of any regulations made for the purposes of those sections shall, so far as they are applicable, and with the necessary modifications, apply with respect to all Maori electors under Part IV of the principal Act, notwithstanding that by reason of section one hundred and ninety-six of that Act not having come into force they are not registered as electors.

Applying provisions as to absent voters and postal voting to Maoris.

REP. 19
No. 2.

17. Section four of the Electoral Amendment Act, 1940, is hereby amended by inserting, after subsection four, the following subsection:—

“(4A) Every adult person who (not being registered as an elector of any electoral district) is for the time being rendering continuous service as a member of the Forces in New Zealand, and has not rendered such service outside New Zealand in connection with the present war, shall be deemed to be qualified to vote at every election of members of Parliament and at every licensing poll under the Licensing Act, 1908, as an elector of the electoral district (as existing at the date of the election or poll) in which is situated his usual place of residence immediately before he last commenced to render continuous service as a member of the Forces.”

Voting at elections and licensing polls by members of Forces who are serving continuously in New Zealand.
1940, No. 21

REP. 19
No. 2.

AMD. 19
No. 2.

Voting by seamen in ships outside New Zealand waters.

18. The provisions of section four of the Electoral Amendment Act, 1940, and of any regulations made for the purposes of that section shall, so far as they are applicable and with the necessary modifications, apply with respect to every adult seaman ordinarily resident in New Zealand who is for the time being engaged in any ship outside the territorial waters of New Zealand, as if he were a member of the Forces comprised in a unit under the command of the master of the ship.

Electric-power Boards.

This section and next five sections to form part of Electric-power Boards Act, 1925.

See Reprint of Statutes, Vol. III, p. 4

Deputy Chairman of Board.

19. This section and the next five succeeding sections shall be read together with and deemed part of the Electric-power Boards Act, 1925.

20. (1) Any Board may at any time and from time to time appoint a Deputy Chairman who shall act as Chairman during the temporary absence or incapacity of the Chairman.

(2) While so acting the Deputy Chairman may do all acts that the Chairman as such might do.

(3) The fact that the Deputy Chairman exercises any power, duty, or function of the Chairman shall be sufficient evidence of his authority so to do; and no person shall be concerned to inquire whether any occasion has arisen requiring or authorizing him so to do, or be affected by notice that no such occasion has arisen.

Cost of load surveys in areas beyond jurisdiction of Boards.

21. (1) With a view to ascertaining whether the time has arrived for making arrangements for the supply of electrical energy to any locality not being an area within the boundaries of an electric-power district, the local authority exercising jurisdiction in that locality may pay out of its general account or, in the case of a county, out of its general account or the appropriate riding account or riding accounts the whole or any part of the cost of a load survey, and any other necessary survey, and expenses in connection therewith, not exceeding in any case the sum of two hundred and fifty pounds.

(2) If the locality or any part thereof is within three years after the completion of any such survey included in any electric-power district, the amount so paid by the local authority or a reasonable portion thereof, as the case may be, shall be repayable by the Board of that district on demand, and shall be recoverable by the local authority as a debt due to it by the Board.

22. Any Board may, in any case where it is deemed advisable that any sum of money at credit of any account (other than a separate account for a loan) should be placed on deposit at interest, deposit that sum of money with any bank approved by the Board or, with the consent of the Governor-General in Council, may deposit that sum with any local authority or public body entitled by law to receive moneys on deposit.

Deposit of money at interest.

23. It shall be lawful and be deemed always to have been lawful for any Board from time to time to enter into contracts of insurance insuring members of the Board against loss from personal accident arising out of and in the course of the exercise of their powers or duties as members of the Board and to pay the premiums payable in respect of such contracts.

Boards may insure members against personal accident while engaged in duties.

24. Section fourteen of the Electric-power Boards Amendment Act, 1927, is hereby amended by omitting from subsection four the word "casual".

Payment of wages from Imprest Accounts.

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

Factories.

25. Section fourteen of the Factories Amendment Act, 1936, as amended by section seventeen of the Statutes Amendment Act, 1938, is hereby further amended by repealing subsection two, as set out in the said section seventeen, and substituting the following subsection:—

Section 14 of Factories Amendment Act, 1936 (as to wages payable for holidays), amended.

1936, No. 7
1938, No. 20

“(2) Where any person has been employed in a factory by any employer at any time during the fortnight ending on the day on which any of the whole holidays referred to in paragraph (a) of section thirty-five of the principal Act as set out in the last preceding section occurs, he shall be entitled, subject to the next succeeding subsection, to receive payment for the holiday from that employer.”

REP. 19
No. 3.

REF. 19

No. s.

This section and next three sections to form part of Forests Act, 1921-22.

See Reprint of Statutes, Vol. III, p. 425

Requisition of assistance to extinguish fires.

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

27. Section forty-five of the principal Act is hereby amended as follows:—

- (a) By omitting from subsection one the words “within the fire district or within a radius of five miles of the outbreak”, and substituting the words “within the State forest or fire district, as the case may be, or within five miles of any boundary of the State forest or fire district”:

- (b) By inserting, after the word “comply” in subsection three, the word “immediately”.

28. (1) Section sixty-three of the principal Act is hereby amended by omitting from paragraph (k) the words “and regulating traffic in State forests”, and substituting the words “and regulating or prohibiting traffic into, in, or through State forests”.

(2) In addition to the matters mentioned in section sixty-three of the principal Act, regulations may be made under that section for all or any of the following purposes:—

- (a) Authorizing Forest officers to prohibit or regulate the use of any public road or of any track adjoining a State forest, or within a fire district, while a fire is in progress or fire-fighting operations are proceeding in the vicinity:

- (b) Prescribing the measures to be taken and the equipment and fire patrols to be provided and maintained by sawmillers and other persons engaged in industrial operations in State forests and fire districts for the prevention or suppression of fire or for diminishing the danger to life and property arising from fire:

- (c) Regulating the establishment and conduct of recreation and camping areas in State forests, and prescribing the terms and conditions on which the same may be used and fees to be paid in respect thereof.

REFER 19

No. s.

Power to make regulations extended.

REFER 19

No. s.

29. (1) The authority to make regulations conferred on the Governor-General by the principal Act is hereby extended to authorize the making of all such regulations as he may consider necessary for the purpose of eradicating or preventing the spread of any disease which may affect trees or timber.

Regulations as to control and eradication of diseases affecting trees or timber.

(2) Without limiting the general power conferred by the principal Act as extended by the last preceding subsection, it is hereby declared that regulations may be made for all or any of the following purposes:—

REFER 19
No. 2.

- (a) Prescribing the treatment and measures to be adopted in respect of any trees or timber which are diseased or likely, in the opinion of any Forest officer, to become diseased:
- (b) Providing for the destruction of any trees or timber in any case where any Forest officer is of opinion that treatment may not completely destroy the disease, or that treatment has failed to destroy the disease:
- (c) Authorizing Forest officers at all reasonable times to enter on any land or premises where trees are growing or timber is lying or stored or stacked for the purpose of inspecting the same or, in any case where default has been made in complying with any of the requirements of any regulations, for the purpose of carrying out those requirements at the expense of the person making default.

(3) Any regulations under this section may apply with respect to any trees or timber wherever situate in New Zealand.

(4) For the purposes of this section "disease" means any disease which may affect trees or timber and which the Governor-General from time to time by Order in Council declares to be a disease within the meaning of this section, whether or not caused by or consisting of the presence of any insects, fungi, bacteria, or viruses.

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

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

Friendly Societies.

Contracts for
assurance of
gross amount
of £500.
See Reprint
of Statutes,
Vol. III, p. 461

30. The Friendly Societies Act, 1909, is hereby amended as follows:—

(a) By omitting from subsection two of section eleven the words “three hundred pounds” and substituting the words “five hundred pounds”:

(b) By omitting from subsection one of section fifty-one the words “three hundred pounds”, and substituting the words “five hundred pounds”.

REP. 19
No. s.

Health.

Provision for
effectual
isolation of
persons likely
to spread
infectious
disease.
Ibid.,
Vol. VI, p. 1061

31. (1) This section shall be read together with and deemed part of the Health Act, 1920 (hereinafter in this section referred to as the principal Act).

(2) If the Medical Officer of Health or any Inspector of Health has reason to believe or suspect that any person, whether suffering from an infectious disease or not, is likely to cause the spread of any infectious disease, he may make an order for the removal of that person to a hospital or other suitable place where he can be effectually isolated.

(3) An order under this section shall be made in every case where the Medical Officer of Health or the Inspector is satisfied that any person who is likely to spread an infectious disease cannot, without removal, be effectually isolated or properly attended.

(4) An order under this section may be executed by the Medical Officer of Health or the Inspector, or by any person authorized in that behalf by the Medical Officer of Health or the Inspector, and may be executed by force if necessary.

(5) The medical officer or other person in charge of the hospital or other place to which any person is ordered to be removed as aforesaid shall, on the presentation of the order, receive the person to whom the order relates and shall arrange for his isolation in accordance with the requirements of the Medical Officer of Health or the Inspector and, in the case of a person requiring medical treatment, for such treatment, and, unless the Medical Officer of Health otherwise permits, shall detain him by force if necessary in isolation until

he has been medically examined and found to be free from infectious disease and until he has undergone such preventive treatment as the Medical Officer of Health may prescribe.

(6) Any person who is isolated in accordance with the principal Act, whether pursuant to an order under this section or not, and who leaves the place of isolation while he is required to be so isolated may be arrested by any officer of the Department or by any member of the staff of the hospital or other place of isolation or by any constable without warrant and delivered forthwith to the same or another suitable place of isolation.

(7) Every person who wilfully disobeys an order under this section, or who obstructs or delays or in any way interferes with the prompt execution thereof or who, being isolated in accordance with the principal Act, leaves or attempts to leave the place of isolation without proper authority, commits an offence, and is liable to a fine of twenty pounds.

(8) For the purposes of this section, and notwithstanding anything contained in the principal Act, No. 19
tuberculosis in any form shall be deemed to be an No. 20
infectious disease.

(9) This section is in substitution for section eighty-four of the principal Act, and that section and section eight of the Health Amendment Act, 1940, are hereby Repeals.
1940, No. 17
repealed.

Hospitals and Charitable Institutions.

32. (1) This section shall be read together with and deemed part of the Hospitals and Charitable Institutions Act, 1926 (hereinafter in this section referred to as the principal Act).

(2) Notwithstanding anything to the contrary in section seventy-one of the principal Act, with the consent of the Minister a Board may, pursuant to section one hundred and ninety-two of the Municipal Corporations Act, 1933, dedicate to the Corporation of any borough for street purposes any part of any land vested in it as an endowment on which the erection, rebuilding, or re-erection or the substantial rebuilding or re-erection of buildings is forbidden by the operation

Hospital
Boards may
dedicate
endowment
lands for
street purposes
in certain cases.
See Reprint
of Statutes,
Vol. III, p. 725
1933, No. 30

No. 19
No. 20

of any building-line by-law made by the Council of the borough under that section or the corresponding provisions of any former Act.

(3) In any case where a Board dedicates for street purposes any land held by it as an endowment, the provisions of sections ninety-two and ninety-three of the Public Works Act, 1928, shall apply with respect to the compensation therefor.

See Reprint
of Statutes,
Vol. VII, p. 661

Impounding.

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

(2) Notwithstanding anything to the contrary in the principal Act, any two or more local authorities may jointly provide a site for and construct and maintain a public pound within the district of any one of those local authorities upon such terms and conditions as may be agreed upon.

(3) Any local authority may make contributions in accordance with any such agreement towards the cost of establishing and maintaining any such pound.

(4) All rates, charges, fees, and other moneys collected by a local authority in respect of any such pound and not otherwise appropriated by the principal Act shall be held by the local authority as trustee for the parties to the agreement and, subject to the deduction or payment of such amount as remuneration or costs as may be agreed upon, shall be handed over to such local authorities as are entitled to receive the same in terms of the agreement.

(5) Section fifty-five of the Local Legislation Act, 1939, is hereby repealed.

Authorizing
local
authorities
jointly to
provide public
pounds.
Ibid.,
Vol. I, p. 213

~~See. 1~~
170.

Repeal.
1939, No. 25

Industrial Conciliation and Arbitration.

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

(2) This section applies to every action for wages or salary under any contract of service or for damages for breach of any such contract if the contract is affected by any award or industrial agreement or if in the action any question may arise as to any such award or industrial agreement.

Notice to
Registrar of
Industrial
Unions of
proceedings
relating to
contracts of
service.
See Reprint
of Statutes,
Vol. III, p. 939

(3) In any case where an action to which this section applies is commenced in or removed to the Supreme Court the plaintiff or the person on whose application the action has been so removed, as the case may be, shall give notice of the action to the Registrar of Industrial Unions.

(4) In any case where judgment has been given by any Court in any action to which this section applies and one of the parties to the action appeals against the judgment, that party shall give notice of his appeal to the Registrar of Industrial Unions.

(5) If when any action to which this section applies or any appeal or other proceeding in relation to any such action is before the Supreme Court or the Court of Appeal it appears that any notice required by this section has not been given, the Court shall adjourn the hearing upon such terms as it thinks fit to enable the notice to be given.

(6) On the hearing by the Supreme Court or the Court of Appeal of any action to which this section applies or of any appeal or other proceeding in relation to any such action, an Inspector of Awards shall be entitled to appear by counsel and be heard in relation to any matters or questions before the Court.

Industrial Societies.

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

(2) Any society incorporated under the principal Act (whether before or after the passing of this Act) may, in addition to the objects specified in section eight of the principal Act, make provision in its rules for any other lawful purpose but not for pecuniary gain.

(3) For the purposes of this section the expression "pecuniary gain" has the same meaning as in the Incorporated Societies Act, 1908.

(4) The provisions of section twenty and section thirty of the Incorporated Societies Act, 1908 (relating to pecuniary gain) shall, with any necessary modifications, apply with respect to industrial societies and to

Extension of functions of societies registered under Industrial Societies Act, 1908. See Reprint of Statutes, Vol. III, p. 1055

Ibid., p. 922

the members thereof in the same manner in all respects as they apply with respect to societies incorporated under the said Act and to their members.

Infants.

Service of application for adoption order on mentally defective person
See Reprint of Statutes, Vol. III, p. 1073

36. In any case where a mentally defective person is a parent or guardian of a child in respect of whom an application for an order of adoption has been made under Part III of the Infants Act, 1908, service of notice of the application on the committee of the parent or guardian, if one has been appointed, or on the person with whom the parent or guardian resides or under whose care he is shall, unless a Magistrate otherwise orders, be deemed sufficient service thereof for the purposes of section twenty-three of that Act.

Iron and Steel Industry.

Section 4 of Iron and Steel Industry Act, 1937, modified.
1937, No. 33

37. (1) This section shall be read together with and deemed part of the Iron and Steel Industry Act, 1937 (hereinafter in this section referred to as the principal Act).

REFER 19
No. 8.

(2) Notwithstanding anything to the contrary in section four of the principal Act, mining privileges in respect of iron-ore may, with the consent of the Minister and subject to such conditions, if any, as the Minister may impose, be granted under the Mining Act, 1926.

See Reprint of Statutes, Vol. V, p. 943

(3) The Minister shall not give his consent to the grant of any such mining privilege unless he is satisfied that no iron-ore produced under the authority of the mining privilege will be used in the manufacture of iron or steel for commercial purposes and it shall be a condition of the mining privilege that no iron-ore produced thereunder shall be so used.

(4) If at any time it appears to the Minister that any iron-ore produced under the authority of any such mining privilege is being used or is intended to be used in the manufacture of iron or steel he may apply to the Warden for the forfeiture of the mining privilege, and in any such case the Warden, notwithstanding anything to the contrary in the Mining Act, 1926, shall

REF. 19
No.

forfeit the privilege if it is proved to his satisfaction that any such iron-ore has been used or is intended to be used, by the holder of the privilege or by any other person, in the manufacture of iron or steel for commercial purposes.

Judicature.

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

(2) Notwithstanding anything to the contrary in any Act of the General Assembly or in any Imperial Act in force in New Zealand, rules may be made under section three of the Judicature Amendment Act, 1930, prescribing the form and manner in which any class or classes of applications to the Supreme Court or a Judge thereof shall be made.

(3) In so far as the provisions of any Act prescribing the form or manner in which any such applications are to be made, whether by petition, motion, summons, or otherwise, are inconsistent with or repugnant to any such rules the Act shall be deemed to be subject to the rules.

Rules of Court may modify Acts prescribing procedure on applications to Supreme Court. See Reprint of Statutes, Vol. II, p. 60

Land.

39. (1) This section shall be read together with and deemed part of the Land Act, 1924.

(2) There is hereby established a Board to be called the Land Settlement Board (hereinafter in this section referred to as the Board) consisting of the following members, namely:—

(a) The Minister of Lands, who shall be the Chairman of the Board:

(b) The Under-Secretary for Lands:

(c) The Secretary to the Treasury:

(d) The Permanent Head of the Department of Agriculture:

(e) The Valuer-General:

(f) The Land Purchase Inspector appointed under section two of the Land for Settlements Amendment Act, 1927.

(3) Meetings of the Board may be summoned by the Chairman or by the Under-Secretary for Lands on behalf of the Chairman. In the absence of the Minister

Establishment of Land Settlement Board.

Ibid., Vol. IV, p. 622

REF. 19

No. 1.

Ibid., p. 920

AMD. 19

No. 8.

from any meeting of the Board, the Under-Secretary, if present, shall preside thereat. In the absence from any meeting of both the Minister and the Under-Secretary the members present shall select one of their number to be the Chairman for the purposes of that meeting.

AMD. 19
No. 8.

(4) Three members of the Board shall form a quorum.

(5) In the absence from any meeting of the Board of any member being an officer of any Department of State, he may authorize any other officer of that Department to attend the meeting in his stead. While any person is attending any meeting under this subsection he shall be deemed for all purposes to be a member of the Board.

(6) The fact that any person attends and acts as a member of the Board at any such meeting shall be conclusive proof of his authority so to do.

(7) At every meeting of the Board the Chairman shall have a deliberative vote and, in case of an equality of votes, shall also have a casting vote.

(8) The Dominion Land Purchase Board, established under section four of the Land for Settlements Act, 1925, the Lands Development Board, established under section three of the Land Laws Amendment Act, 1929, and the Small Farms Board, appointed under section four of the Small Farms Act, 1932-33, are hereby abolished and all the powers, duties, and functions of those Boards are hereby transferred to and shall be exercised and performed by the Land Settlement Board established under this section.

See Reprint
of Statutes,
Vol. IV, p. 864
Ibid., p. 834

1932-33, No. 43

(9) All references to any of the Boards hereby abolished in any Act or in any regulations or in any agreement, deed, instrument, application, license, notice, or other document whatsoever shall, unless inconsistent with the context, be read and construed as references to the Land Settlement Board established under this section.

Consequential
repeals.

(10) The enactments mentioned in the Schedule to this Act are hereby repealed to the extent indicated in that Schedule.

Legislature.

40. Section two of the Legislature Act, 1908, is hereby amended by omitting from subsection one the word " male ".

24
Authorizing appointment of women as members of Legislative Council.

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

Altering date for actuarial examination of superannuation funds of local authorities.

Ibid., Vol. V, p. 436

Local Authorities Superannuation.

41. Section fourteen of the Local Authorities Superannuation Act, 1908, is hereby amended by repealing subsection one, and substituting the following subsection:—

"(1) For such period commencing on the first day of January, nineteen hundred and forty, and not exceeding five years as the Governor-General determines, and for successive periods thereafter of such duration, not exceeding five years, as the Governor-General determines in each case, an examination of every fund established under this Act shall be made by an actuary appointed by the Governor-General."

Local Bodies' Finance.

42. This section and the next four succeeding sections shall be read together with and deemed part of the Local Bodies' Finance Act, 1921-22 (in those sections referred to as the principal Act).

This section and next four sections to form part of Local Bodies' Finance Act, 1921-22.

Ibid., p. 354

43. Section seven of the principal Act is hereby amended by inserting in subsection one, after the word " flood ", the words " storm, land-slips ".

Extending purposes for which moneys may be borrowed in exceptional circumstances.

44. (1) The next two succeeding sections shall apply with respect to the Council of any borough or county, the Board of any town district, and the Board of any road district situated in any county in which the Counties Act, 1920, is suspended or is not in force.

Application of next two sections.

Ibid., p. 180

(2) For the purposes of those sections, unless the context otherwise requires, the term " owner ", in relation to any property, means the person for the time being entitled to receive the rack-rent of the property, or who would be so entitled if the property were let at a rack-rent.

45. (1) Upon the application of the owner of any property in the district of the local authority, and with the consent in writing of all persons having any registered interest in the property, any local authority to which this section applies may advance to the owner

Advances by local authorities to property-owners.

the whole or any part of the moneys required to remedy conditions that have arisen in relation to the property by reason of any of the causes specified in subsection one of section seven of the principal Act.

(2) Any such advance may be made out of moneys borrowed under the authority of the said section seven or out of any other moneys available for the purpose.

(3) The local authority and the owner may agree that the amount of any such advance shall be repayable in one sum at a fixed time, with interest at a rate to be fixed by the local authority at the time when the advance is made, or by instalments extending over a number of years, with interest at a rate fixed as aforesaid. Such agreement may contain any incidental provisions, and may provide for the earlier payment of instalments, or any of them, on terms to be mentioned in the agreement:

Provided that where an agreement makes no provision as aforesaid for the early payment of instalments, the local authority shall accept the whole of the unpaid instalments at any time when the same is tendered, and for the purpose of any such tender interest shall be calculated and paid only up to and including the day of such tender.

(4) Such agreement may, where the moneys are repayable in one amount, contain provisions for securing the repayment thereof, and where the moneys are repayable by instalments each such instalment shall, for all purposes, be deemed to be a rate, subject nevertheless to the following conditions:—

(a) The owner for the time being of the property in question shall in all cases be deemed to be the person primarily liable for payment:

(b) A separate rate-book shall be kept by the Collector of Rates to the local authority in which particulars of such instalments (distinguishing capital and interest) and of the properties in respect whereof they are payable, and of the dates for payment thereof, and all the names of persons paying the same shall be entered; and such book shall be *prima facie* evidence of the correctness of its contents.

(5) The capital moneys advanced by the local authority under this section may, when repaid, be advanced to other owners for the purposes aforesaid, and, subject thereto, all such capital moneys shall be applied in or towards the repayment of the moneys referred to in subsection two of this section, either by payment into the sinking fund in addition to the annual sinking fund payments required, if any, or in any such other manner as the local authority, with the sanction of the Audit Office, determines.

(6) Interest-moneys on any such advances shall be applied in or towards payment of the interest or other annual charges in respect of the moneys referred to in subsection two of this section.

(7) All moneys payable to the local authority by the owner of any property in respect of any advances made under this section shall be a charge on that property.

(8) On being satisfied after full inquiry that undue hardship would be caused if the owner had to pay in full any amount due under this section, the local authority may, if it thinks fit, remit the payment of any interest by the owner, either wholly or partly or for any period or periods, and may also, if it thinks fit, remit the payment of any part of the capital moneys.

46. Where any local authority to which this section applies is satisfied that the owner of any property in the district of the local authority cannot by reason of his financial position be adequately assisted under the last preceding section, the local authority may expend any moneys borrowed under the authority of section seven of the principal Act or any other available moneys for the purpose of enabling or assisting the owner to remedy conditions that have arisen in relation to the property by reason of any of the causes specified in subsection one of the said section seven.

Assistance of property-owners by local authorities.

Marriage.

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

Acting-Registrars of Marriages.
See Reprint of Statutes, Vol. III, p. 826

(2) Notwithstanding that there may at any time be a Deputy of any Registrar, there may be appointed a fit person to be Acting-Registrar during a vacancy in the office of that Registrar or in case of the absence from duty of that Registrar, and that person

REP. 13
No. 6

while so acting shall have and may exercise all the powers, duties, and functions of the Registrar. While an Acting-Registrar is in office the Deputy of the Registrar shall be deemed to be the Deputy of the Acting-Registrar.

See Reprint of Statutes, Vol. III, p. 848

(3) Section two of the Marriage Amendment Act, 1920, is hereby amended by adding the words "or as an Acting-Registrar".

Masseurs Registration.

This section and next two sections to form part of Masseurs Registration Act, 1920.

Ibid., Vol. V, p. 658

Masseurs to notify changes of address.

48. This section and the next two succeeding sections shall be read together with and deemed part of the Masseurs Registration Act, 1920 (in those sections referred to as the principal Act).

49. (1) Every masseur who at any time changes his address as appearing in the register kept under the principal Act shall, within three months thereafter, send to the Registrar a notice of his new address, and the Registrar shall thereupon correct the entry in the register relating to that masseur accordingly.

(2) Every masseur who fails to comply with the provisions of the last preceding subsection commits an offence and shall be liable on summary conviction to a fine of five pounds.

Name may be removed from register if registered person cannot be found, &c.

50. (1) The Registrar may at any time, and shall if the Masseurs Registration Board so directs, send to any registered masseur, by registered letter addressed to him at his address appearing on the register, an inquiry as to whether or not he desires to have his name retained on the register.

(2) If no reply is received to that letter within three months from the posting thereof, or if the letter is not delivered and is returned to the Registrar, the Registrar shall, if the Board so directs, remove from the register the name of the masseur to whom the letter was so sent.

(3) Any person whose name has been removed from the register in pursuance of this section may apply to the Registrar to have his name restored to the register, and his name shall be restored to the register accordingly.

Massey Agricultural College.

51. Sections eighteen and nineteen of the Massey Agricultural College Act, 1926, as amended by section five of the School of Agriculture Act, 1937, are hereby further amended by omitting the references to the Board of Governors of the Massey Agricultural College and substituting in each case a reference to the Massey Agricultural College.

Sections 18 and 19 of Massey Agricultural College Act, 1926, amended. 1926, No. 68 1937, No. 26

Master and Apprentice.

52. (1) This section shall be read together with the Master and Apprentice Act, 1908 (hereinafter in this section referred to as the principal Act), and shall be deemed to form part of Part II of that Act.

(2) Notwithstanding anything contained in Part II of the principal Act, any apprentice serving under an indenture of apprenticeship entered into in pursuance of the said Part II may with his own consent and with the consent of his parent or guardian (if any) and with the consent of the appropriate Minister be transferred to a master who is not an officer of the Government for such period and upon or subject to such terms and conditions as the Minister of Labour may determine or approve.

(3) Notwithstanding anything contained in the Apprentices Act, 1923, any male person who is serving under a contract of apprenticeship to which that Act applies may with the like consents be transferred to a master within the meaning of the said Part II for such period and upon or subject to such terms and conditions as the Minister of Labour may determine or approve.

(4) Before making any determination or giving any approval as to the period of any transfer under this section or as to the terms and conditions upon or subject to which any such transfer is to be made, the Minister of Labour shall refer the matter for its opinion to any Apprenticeship Committee that may have been set up under the Apprentices Act, 1923, in connection with the industry and locality in which the person proposed to be transferred is working.

(5) Any apprentice within the meaning of the said Part II or within the meaning of the Apprentices Act, 1923, who is transferred pursuant to this section shall continue to be subject to the said Part II or to the

REFER 19 No.

Temporary transfer of apprentices from or to Government employment. See Reprint of Statutes, Vol. V, p. 564

REFER 19 No. a.

Ibid., p. 576

Apprentices Act, 1923, as the case may be, during the period of the transfer, and that period shall count as part of the period of apprenticeship under the indenture or contract of apprenticeship under which the apprentice is serving immediately before the transfer.

Municipal Association.

Section 2 of
Municipal
Association
Act, 1939,
amended.
1939, No. 16

53. Section two of the Municipal Association Act, 1939, is hereby amended by omitting from subsection three the word "on", after the words "to procure legal opinions", and substituting the words "or to prosecute or defend test cases or engage in any other legal proceedings in respect of".

Municipal Corporations.

Payment of
wages from
Imprest
Accounts.
1933, No. 30

54. Section seventy-five of the Municipal Corporations Act, 1933, is hereby amended by omitting from subsection four the word "casual".

Advances made
in respect of
drainage to be a
charge on
property.

55. Section two hundred and thirty-six of the Municipal Corporations Act, 1933, is hereby amended as from the commencement of that Act by inserting, after the words "of any property", the words "in respect of advances made under section two hundred and thirty-four of this Act, or the corresponding provisions of any previous Act, in relation to such property or".

Section 364
of Municipal
Corporations
Act, 1933
(as to by-laws),
amended.

56. Section three hundred and sixty-four of the Municipal Corporations Act, 1933, is hereby amended by repealing paragraph twenty-six, and substituting the following paragraph:—

“(26) Defining, licensing, inspecting, and regulating boardinghouses, being houses (other than common lodginghouses and houses for which publicans’ licenses are held) in which persons are lodged for a single night or longer:”.

Opticians.

Power to make
regulations as
to educational
qualifications
of examination
candidates.

See Reprint
of Statutes,
Vol. V, p. 706

57. It is hereby declared that the authority to make regulations conferred on the Governor-General by section twenty-one of the Opticians Act, 1928, extends, and shall be deemed always to have extended, to enable him to make regulations prescribing educational qualifications for candidates for examination under that Act.

Patents, Designs, and Trade-marks.

58. The Second Schedule to the Patents, Designs, and Trade-marks Amendment Act, 1939, is hereby amended by omitting from paragraph 5 the words "within one year from the commencement of this Act", and substituting the words "within two years and six months after the commencement of this Act".

REP. 19
No. 4
Time for effecting certain registrations extended.
1939, No. 26

Petroleum.

59. This section and the next four succeeding sections shall be read together with and deemed part of the Petroleum Act, 1937 (in those sections referred to as the principal Act).

This section and next four sections to form part of Petroleum Act, 1937.
1937, No. 27

60. On application made by the licensee under a prospecting license at any time before the expiry of the license, the Minister may, in his absolute discretion, extend the term of the license for such period as the Minister thinks fit:

Term of prospecting licenses may be extended.

Provided that the aggregate of the original term of the license and of any extension or extensions thereof shall not exceed ten years.

REP. 19
No.

61. Where the Minister is satisfied that the licensee under a prospecting license—

Power to suspend investigations under prospecting licenses.

- (a) Has proceeded with an investigation of the land comprised in the license in accordance with subsection one of section eight of the principal Act to a point at which the licensee is ready to commence drilling; and
- (b) Is drilling with reasonable diligence at least one well on the land comprised in some other prospecting license held by the licensee,—

the Minister may, in his absolute discretion and upon or subject to such conditions as he thinks fit, suspend for any period or periods not exceeding six months at any one time the obligation imposed by the said subsection one to continue the investigation of the land comprised in the first-mentioned license.

62. Where the Minister is satisfied that the licensee under a prospecting license—

Power to suspend drilling under prospecting licenses.

- (a) Has commenced drilling on the land comprised in the license in accordance with subsection two of section eight of the principal Act; and

(b) Is drilling with reasonable diligence at least one well on the land comprised in some other prospecting license held by the licensee,—
the Minister may, in his absolute discretion and upon or subject to such conditions as he thinks fit, suspend for any period or periods not exceeding six months at any one time the obligation imposed by the said subsection two to continue drilling on the land comprised in the first-mentioned license.

Power to grant exemptions from mining operations under partially surrendered licenses.

63. (1) Where any license has been partially surrendered under section sixteen of the principal Act, and in the opinion of the Minister the land remaining comprised in the license is not likely to be productive of petroleum, but is necessary for the carrying-on of mining operations on the land comprised in some other license held by the licensee, the Minister may, in his absolute discretion and upon or subject to such conditions as he thinks fit, exempt the licensee from all or any of the obligations imposed by the first-mentioned license or by the principal Act in respect of mining operations on the land comprised in the first-mentioned license.

(2) Any such exemption may be at any time varied or revoked by the Minister.

REF. 19

No. 1.

This section and next two sections to form part of Police Force Act, 1913.

See Reprint of Statutes, Vol. VI, p. 832

Constitution of Board of Appeal to hear appeals under section 17 of principal Act.

Police Force.

64. This section and the next two succeeding sections shall be read together with and deemed part of the Police Force Act, 1913 (in those sections referred to as the principal Act).

65. (1) Every Board of Appeal constituted to hear appeals under section seventeen of the principal Act shall consist of—

- (a) A Stipendiary Magistrate, who shall be the Chairman of the Board;
- (b) A commissioned officer of the Force, being equal or senior in rank to the appellant; and
- (c) One of the nominated members elected by members of the Force in accordance with the next succeeding section.

(2) All members of the Board shall be appointed as such by the Minister. The members, other than the nominated members, shall be appointed for the purposes of each particular appeal.

(3) The nominated members shall be appointed for the purposes of every appeal to be heard during their respective terms of office. The nominated members shall by mutual agreement determine which of them shall sit on any appeal, and in default of agreement the Minister shall determine which of them shall sit on any particular appeal.

(4) Notwithstanding anything in the foregoing provisions of this section, no member of the Force shall, except with the consent of the appellant, act as a member of the Board of Appeal in any case in which in the course of his duties he has conducted any inquiry or investigation or has made any report upon the subject-matter of the appeal.

(5) The foregoing provisions of this section are in substitution for subsection two of section seventeen of the principal Act, and that subsection is hereby accordingly repealed.

66. (1) For the purposes of the appointment of nominated members of the Board of Appeal in accordance with the last preceding section, elections shall be held from time to time as occasion may require in accordance with regulations to be made for the purpose under section fourteen of the principal Act.

Provision for election of nominated members of Board of Appeal.

(2) Except for the purpose of filling a casual vacancy two nominated members shall be elected at every such election.

(3) At every election of a nominated member every member of the Force shall be entitled to vote, and any member who is not a commissioned officer of the Force may be elected as a nominated member.

(4) On the completion of the election of nominated members the Minister shall appoint the persons elected to be members of the Board of Appeal. Notice of every such appointment and of the term of the appointment shall be published in the prescribed manner.

(5) Except in the case of a casual vacancy, the nominated members of the Board shall be appointed for a term of three years. In the event of a casual vacancy, a fresh election shall be held and the elected member shall be appointed for the residue of the term of office of his predecessor.

(6) A casual vacancy shall be created in any case where a nominated member of the Board of Appeal

dies, or by notice in writing addressed to the Commissioner resigns his office, or is appointed to be a commissioned officer of the Force, or ceases to be a member of the Force, or is removed from office as a member of the Board by the Minister for misconduct or on the ground that, without lawful justification or excuse, he has failed to act as a member of the Board when required so to do.

REP. 19
No. 8.

Section 75 of Post and Telegraph Act, 1928 (as to deposits in Post Office Savings-bank), amended.
See Reprint of Statutes, Vol. VI, p. 884

Post and Telegraph.

67. Section seventy-five of the Post and Telegraph Act, 1928, is hereby amended by inserting in the first proviso to subsection three, after the words "twenty pounds", the words "(or such greater amount, not exceeding one hundred pounds, as may from time to time be prescribed by regulations under this Part of this Act)".

Public Service Superannuation.

Permanent members of Police Force may become contributors to Superannuation Fund in respect of previous temporary service.
Ibid., Vol. VII, p. 581

68. (1) This section shall be read together with the Public Service Superannuation Act, 1927, and shall be deemed to form part of Part II of that Act.

(2) In this section—

"Board" means the Public Service Superannuation Board:

"Force" means the Police Force of New Zealand:

"Fund" means the Public Service Superannuation Fund.

(3) If any temporary member of the Force is at any time after the passing of this Act appointed as a permanent member of the Force, he may, within two months after his permanent appointment, by notice in writing to the Secretary of the Board, elect to become a contributor to the Fund as from the date of his appointment as a temporary member of the Force.

(4) Where any temporary member of the Force has at any time before the passing of this Act been appointed as a permanent member of the Force, he may, within three months after the passing of this Act, by notice in writing to the Secretary of the Board, elect to become a contributor to the Fund as from the date of his appointment as a temporary member of the Force.

REP. 19
No. 8.

(5) Any member of the Force who elects under the provisions of this section to become a contributor to the Fund as from the date of his appointment as a temporary member of the Force shall pay into the Fund within such time and in such manner as the Board may allow in that behalf such sum as the Board may fix in respect of his service as a temporary member of the Force.

(6) The percentage of his salary to be contributed to the Fund by any member of the Force in respect of his service as a permanent member of the Force shall be fixed by reference to his age at the date of his permanent appointment.

AMD. 19
No. a.

(7) Except as provided in this section, where any member of the Force elects to become a contributor to the Fund as from the date of his appointment as a temporary member of the Force he shall be entitled to the same benefits as if his service as a temporary member of the Force were service as a permanent member of the Force.

Rabbit Nuisance.

69. This section and the next two succeeding sections shall be read together with and deemed part of the Rabbit Nuisance Act, 1928 (in those sections referred to as the principal Act).

This section and next two sections to form part of Rabbit Nuisance Act, 1928.

70. (1) Any Board may, pursuant to a resolution in that behalf, establish an Imprest Account, which shall as the Board may determine, be kept in the Post Office Savings-bank or in any bank within the meaning of the Banking Act, 1908.

See Reprint of Statutes, Vol. I, p. 243

Rabbit Board may establish an Imprest Account.

Ibid., p. 447

(2) The Imprest Account may be held jointly in the names of and be operated on by the Treasurer and one other person to be appointed in that behalf by the Board, or may with the express approval in writing of the Audit Office, but not otherwise, be in the sole name of and operated on by the Treasurer or other approved officer of the Board. Where the Imprest Account is held jointly in the names of the Treasurer and of one other person as aforesaid, such last-mentioned person shall be either a responsible officer of the Board or a member of the Board.

AMD. 19
No. a.

(3) The Board shall from time to time by resolution fix the maximum amount that may be held at any time in the Imprest Account, not exceeding seventy-five pounds in any case where the Imprest Account may be operated on by one person acting alone, and not exceeding such amount as the Audit Office may approve in any other case.

(4) Moneys in the Imprest Account shall be available only for the payment of wages and of emergency expenditure. A statement of all payments made from the Imprest Account shall be submitted to the Board for approval at its first ordinary meeting thereafter. The payment of moneys out of the Imprest Account for any purpose not hereby authorized shall be deemed to be the misappropriation of the funds of the Board.

(5) The provisions of section seventy-seven of the principal Act shall be read subject to the provisions of this section.

Deposit of
money at
interest.

71. Any Board may, in any case where it is deemed advisable that any sum of money at credit of any account (other than a separate account for a loan) should be placed on deposit at interest, deposit that sum of money with any bank approved by the Board or, with the consent of the Governor-General in Council, may deposit that sum with any local authority or public body entitled by law to receive moneys on deposit.

Rating.

72. (1) This section shall be read together with and deemed part of the Rating Act, 1925 (hereinafter in this section referred to as the principal Act).

(2) The voting-papers for the purposes of a poll on a proposal to adopt the system of rating on the unimproved value shall be in the form numbered (2) in the Second Schedule to the Local Elections and Polls Amendment Act, 1941.

(3) The voting-papers for the purposes of a poll on a rescinding proposal under section forty-four of the principal Act shall be in the form numbered (2) in the Second Schedule to the Local Elections and Polls Amendment Act, 1941, and for the purposes of any such poll the proposal shall be a proposal to abandon the system of rating on the unimproved value.

Form of
voting-papers
to be used at
polls under
the Rating Act,
1925,
See Reprint
of Statutes,
Vol. VII, p. 977
1941, No. 2

REP. 19
No. 8.
Substituted.

(4) Section forty-one of the principal Act is hereby amended by repealing subsection one.

(5) Section forty-four of the principal Act is hereby amended by omitting from subsection one all the words after the words "the carrying thereof".

(6) This section shall come into force on the first day of November, nineteen hundred and forty-one.

Shops and Offices.

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

(2) Section thirteen of the principal Act is hereby amended by repealing the proviso to subsection two, and substituting the following proviso:—

"Provided that the Borough of Sumner shall not form part of the combined district of Christchurch, but shall be deemed to be a separate district."

(3) For the purposes of the principal Act that portion of the City of Christchurch that immediately before the first day of April, nineteen hundred and forty-one, constituted the Borough of New Brighton (hereinafter in this section referred to as the New Brighton area) shall be deemed to be a borough and the Christchurch City Council shall be deemed to be the local authority thereof.

(4) Notwithstanding anything to the contrary in section thirteen of the principal Act, the New Brighton area shall not form part of the combined district of Christchurch, but shall be deemed to be a separate district.

(5) The foregoing provisions of this section shall be deemed to have come into force on the first day of April, nineteen hundred and forty-one.

(6) The New Brighton Statutory Closing-day Emergency Regulations 1941 are hereby revoked.

Statutory closing-day in New Brighton area.
See Reprint of Statutes, Vol. III, p. 240

REP. 19
No. 8.
Substituted.

Tongariro National Park.

74. Subsection one of section fifteen of the Tongariro National Park Act, 1922, is hereby amended by adding the following:—

" ; or

"(g) Allows the trespass of cattle, horses, or other animals."

Offence to allow animals to trespass on Tongariro National Park.
1922, No. 31

Town-planning.

This section and next five sections to form part of Town-planning Act, 1926.

See Reprint of Statutes, Vol. V, p. 488

Failure to comply with scheme.

REF. 19

No. 1

REF. 19

No. 2

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

76. (1) Subject to the provisions of this section, any person who, after a town-planning scheme or an extra-urban planning scheme has been finally approved by the Board, uses any building or land in a manner not in conformity with the scheme or who fails to comply with any provision of the scheme commits an offence and shall be liable on summary conviction to a fine of twenty pounds or, where the offence is a continuing one, to a fine of five pounds for every day or part of a day during which the offence continues.

(2) The local authority in whose district the offence has been committed may, after a person has been convicted in respect of a continuing offence, apply to the Supreme Court for an injunction to restrain the further continuance of the offence by the person so convicted.

(3) Nothing in this section shall apply in relation to an existing use of any building or land or in relation to anything done pursuant to a consent given under the next succeeding section.

(4) For the purposes of this section, the term "existing use", in relation to any building or land, means a use of that building or land for any purpose of the same character as that for which it was last used before the date on which the scheme came into force or of a similar character, or, in the case of a newly-erected building which has not been used before that date, a use for any purpose for which it was designed:

Provided that if at any time after the date on which the scheme came into force the existing use of a building is discontinued for a period of six months, no use of that building at any subsequent date shall be deemed to be an existing use thereof.

77. (1) In any case where an approved town-planning scheme or an approved extra-urban planning scheme shows, whether in the text thereof or in any maps or plans relating thereto, any proposed new street or any proposed public reserve or open space, the local

Prohibition of erection of buildings or works on sites of proposed streets, &c.

REF. 19

No. 1

authority in whose district the land is situated may absolutely refuse its consent to, or prohibit, the erection of any building or the carrying-out of any work of a permanent character on any land forming part of the site of the proposed street, public reserve, or open space, or the local authority may, subject to the provisions of this section and notwithstanding anything contained in the principal Act, give its consent to the erection of any such building or the carrying-out of any such work as aforesaid either absolutely or subject to such conditions as the local authority may think fit to impose.

(2) Before granting any such consent as aforesaid the local authority shall twice give public notice of its intention so to do by advertisement in a newspaper circulating in the district, with an interval of not less than seven days nor more than fourteen days between the two notifications.

(3) Every owner or occupier of rateable property within the area covered by the scheme shall have a right of objection to the erection of the building or the carrying-out of the work, and may at any time within one month after the first notification give notice in writing to the local authority of his objection and of the grounds thereof.

(4) Before arriving at a decision the local authority shall take into account every objection submitted to it as aforesaid and shall afford objectors an opportunity to be heard at a meeting of the local authority.

78. (1) Notwithstanding anything contained in section twenty-nine of the principal Act, compensation shall not be payable under that section by reason that any town-planning or extra-urban planning scheme shows, whether in the text thereof or in any maps or plans relating thereto,—

Compensation in respect of proposed streets or reserves shown in plans.

(a) Any proposed new street, any proposed street widening, or any proposal to close a street; or

(b) Any proposed public reserve or open space.

(2) In any case where a local authority has prohibited the erection of any building or the carrying-out of any work of a permanent character on any land which forms the site or part of the site of any proposed street, reserve, or open space as aforesaid, or has refused its consent to the erection of any such building,

or the carrying-out of any such work as aforesaid, or has granted its consent under the last preceding section subject to conditions, any person having any estate or interest in that land and injuriously affected by the prohibition or the refusal or the conditions aforesaid shall, subject to the provisions of this section and to the provisions of section twenty-nine of the principal Act, be entitled to full compensation for all loss thereby sustained by him:

Provided that no such compensation shall be payable if the local authority resolves that on any subdivision of land owned by him the owner of the land could reasonably be required, under the provisions of section one hundred and twenty-five of the Public Works Act, 1928, section three hundred and thirty-two of the Municipal Corporations Act, 1933, section sixteen of the Land Act, 1924, or any other Act, to dedicate as a street any portion of the land on which it was proposed so to erect the building or carry out the work, or to set apart any of that land for a reserve.

See Reprint of Statutes, Vol. VII, p. 678
1933, No. 30
See Reprint of Statutes, Vol. IV, p. 632

Local authority under no obligation to acquire land.

79. Nothing contained in any town-planning or extra-urban planning scheme shall impose on any local authority any obligation to acquire any land which it is proposed under the scheme shall become a street or a public reserve or an open space.

Power to make regulations extended.

80. Section thirty-five of the principal Act is hereby amended by adding to subsection one the following paragraph:—

“(g) For the purpose of securing effective co-operation between local authorities and persons interested in any land affected by any town-planning or extra-urban planning scheme.”

Para. 10
16. s.

Transport Licensing.

This section and next six sections to form part of Transport Licensing Act, 1931.
Ibid., Vol. VIII, p. 832

81. This section and the next six succeeding sections shall be read together with and deemed part of the Transport Licensing Act, 1931 (in those sections referred to as the principal Act).

82. (1) For the purposes of the principal Act the Governor-General may from time to time appoint any person to be the Transport Appeal Authority (hereinafter referred to as the Appeal Authority).

Transport Appeal Authority.

(2) The Appeal Authority shall be appointed for a term not exceeding three years, but he may be reappointed, unless incapacitated under the next succeeding section, or may be at any time removed from office by the Governor-General for disability, neglect of duty, or misconduct, or may at any time resign his office by writing addressed to the Minister.

83. (1) No person shall be capable of being appointed to be or of being the Appeal Authority—

Certain persons not qualified to be Appeal Authority.

- (a) Who (otherwise than as a member of an incorporated company in which there are more than twenty members) is financially interested, directly or indirectly, in the business of carrying passengers or goods; or
- (b) Who is the representative, officer, or servant of any person, firm, company, association of persons, or public authority engaged in the business of carrying passengers or goods:

Provided that a person shall not be incapable of being appointed to be or of being the Appeal Authority by reason of his being an officer of any Department of State other than the Government Railways Department or being otherwise a servant of the Crown.

(2) If any person while holding office as the Appeal Authority becomes incapable of continuing to hold office under the last preceding subsection, his office shall thereupon become vacant.

(3) If any person does any act as the Appeal Authority, being incapacitated under this section, he shall be liable to a fine not exceeding fifty pounds for each such offence.

84. (1) The Governor-General may appoint such person as he thinks fit as the deputy of the Appeal Authority to act in any case of temporary absence of the Appeal Authority.

Deputy of Appeal Authority.

(2) While so acting any person appointed under this section may exercise all the powers of the Appeal Authority.

(3) The appointment of any person under this section may be for such term, not exceeding the unexpired balance of the term of appointment of the Appeal Authority, as the Governor-General thinks fit, or may be for any specified period or periods of absence of the Appeal Authority.

(4) The provisions of sections eighty-two and eighty-three of this Act shall, so far as they are applicable and with the necessary modifications, apply with respect to every person appointed under this section and with respect to his appointment and removal.

(5) The fact that any person purporting to act as deputy of the Appeal Authority exercises any power, duty, or function of the Appeal Authority shall be sufficient evidence of his authority so to do; and no person shall be concerned to inquire whether any occasion has arisen requiring or authorizing him so to do, or be affected by notice that no such occasion has arisen.

Procedure
of Appeal
Authority.
See Reprint
of Statutes,
Vol. I, p. 1036

85. (1) For the purposes of any appeal to the Appeal Authority the provisions of the Commissions of Inquiry Act, 1908, shall, so far as they are applicable and with the necessary modifications, apply as if the Appeal Authority were a Commission of Inquiry appointed under that Act.

(2) Save as is provided in the principal Act or as may be provided by any regulations under the principal Act in relation to appeals from decisions of Licensing Authorities, the Appeal Authority may regulate his own procedure.

Appeal
Authority
to determine
appeals from
decisions of
Licensing
Authorities.
1936, No. 9
1940, No. 18

86. (1) All appeals under section twelve of the Transport Licensing Amendment Act, 1936, shall after the passing of this Act be determined by the Appeal Authority, and for that purpose all references to the Minister in the said section twelve and in section fifty-six of the Statutes Amendment Act, 1940, shall be read as references to the Transport Appeal Authority.

(2) All appeals duly lodged under the said section twelve, but not determined before the passing of this Act, shall be determined by the Appeal Authority.

Consequential
amendments.

(3) The said section twelve is hereby amended by repealing subsections six, seven, thirteen, and fourteen.

(4) Section thirteen of the Transport Licensing Amendment Act, 1936, is hereby amended by inserting, after the word "Minister" wherever it occurs, the words "or the Transport Appeal Authority".

(5) For the purposes of section forty-seven of the principal Act this section shall be deemed to be part of Part II of the principal Act.

87. Without limiting the general power conferred by section fifty-nine of the principal Act to make regulations prescribing such matters as may be necessary or expedient for the purpose of giving full effect to that Act it is hereby declared that regulations may be made under that section for the following purposes:—

Regulations to require licensees to join transport organizations.

(a) Providing for the taking of polls of licensees or of any class of licensees on proposals that they are to be required to join any organization the membership of which is confined wholly or principally to licensees :

(b) Making such other provisions as may be deemed necessary for the purpose of requiring and empowering all licensees or all the licensees of any class to join any such organization in any case where on any such poll of licensees or of that class of licensees, as the case may be, not less than seventy-five per centum of the votes recorded are in favour of the proposal.

SCHEDULE.

Schedule.

ENACTMENTS REPEALED.

Section 39

Title of Enactment.	Extent of Repeal.
1925, No. 15— The Land for Settlements Act, 1925 (Reprint of Statutes, Vol. IV, p. 864)	Sections 4 and 5.
1927, No. 21— The Land for Settlements Amend- ment Act, 1927 (Ibid.)	Section 3 (1).
1929, No. 8— The Land Laws Amendment Act, 1929 (Ibid., pp. 834, 928)	Sections 3 and 34.
1932-33, No. 43— The Small Farms Act, 1932-33 ..	Section 4.
1937, No. 17— The Finance Act, 1937	So much of the Second Schedule as relates to the Land for Settlements Act, 1925.
1939, No. 21— The Small Farms Amendment Act, 1939	Section 3.