



NEW ZEALAND

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1947, No. 60

AN ACT to amend certain Enactments of the General Assembly of New Zealand. [27th November, 1947] Title.

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

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

Adhesive Stamps

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

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

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

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

Annual Holidays

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

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

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

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

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

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

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

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

Apiaries

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

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

Regulations as to honey likely to contain poison.

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

Bankruptcy

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

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

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

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

Repeal.

Broadcasting

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

Extending powers of National Broadcasting Service.

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

1936, No. 15

(a) To use the facilities and equipment of the broadcasting service in such manner as he thinks fit for the purpose of promoting and assisting in the development and carrying on of those arts and cultural pursuits which are usually included in the purpose of broadcasting:

(b) To organize and present concerts and entertainments for the general public, notwithstanding that the concerts or entertainments may not be broadcast:

- (c) To organize and present concerts and entertainments for persons in hospitals and other similar institutions:
- (d) To organize and present concerts and entertainments for members of His Majesty's Naval, Military, or Air Forces in New Zealand or elsewhere, or for members of any other Forces for the time being lawfully present in New Zealand:
- (e) To do all such things as he considers to be in the interests of the community for the purpose of developing and improving broadcasting talent:
- (f) To collaborate with any society, association or body of persons not formed for the purpose of pecuniary gain, for any of the foregoing purposes.

1943, No. 20

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

Repeal.

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

Serial number
1942/273

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

Counties

Sections to be read with Counties Act, 1920.

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

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

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

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

- (a) By omitting the words "(not exceeding forty pounds in any year)":
- (b) By adding the words " or any ward thereof ".

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

Contributions towards cost and maintenance of public amenities.

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

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

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

Destitute Persons

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

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

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

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

Electoral

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

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

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

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

“(1A) Subject to the provisions of this section, on the polling-day at any by-election every employer shall allow every worker in his employment in any electoral district who

is an elector of the electoral district in which the by-election is being held to leave his work not later than two o'clock in the afternoon for the remainder of the day, and it shall not be lawful for any employer to make any deduction from any remuneration payable to any such worker in respect of any time after the time of his leaving his work as aforesaid.”:

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

Serial number
1947/74

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

Family Protection

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

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

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

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

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

Provided that no distribution of any part of the estate of a deceased person that has been made before the passing of this Act shall be disturbed by reason of any application made by virtue of this section, or by reason of any order made on any such application.

Fisheries

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

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

Forests

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

Sections to be read with Forests Act, 1921-22.

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

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

Appointment of honorary rangers.

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

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

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

"(2) Every person appointed under this section shall be appointed for such term, not exceeding three years, as the Minister thinks fit, and may from time to time be reappointed, or may at any time be removed from office by the Minister for incapacity, neglect of duty, or misconduct, or may at any time resign his office by writing addressed to the Minister.

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

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

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

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

Honorary
Forest officers
for particular
purposes.

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

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

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

Prohibition of
injurious
importations.
1941, No. 26

20. (1) The authority to make regulations conferred upon the Governor-General by the principal Act, as extended by section twenty-nine of the Statutes Amendment Act, 1941, is hereby further extended to authorize the making of regulations prohibiting, either absolutely or except in accordance with the regulations, the importation into New Zealand, either generally or from any specified country, part of a country, port, or place, of any tree-seed, timber, or timber product which, in the opinion of the Minister, may introduce into New Zealand any insect, fungus, bacterium, or virus, in any of the life stages of those agencies, that might be injurious to or cause an unhealthy condition in any tree, timber, or other forest product.

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

(3) Any regulations under this section may—

- (a) Appoint any specified ports or other places to be the only ports or places of entry for tree-seed, timber, or timber products:
- (b) Appoint quarantine grounds or depots where tree-seed, timber, or timber products, and packages containing them or with which they have or may have come into contact, may be detained for the purpose of observation or for the purpose of being inspected, treated, disinfected, destroyed, or otherwise disposed of:
- (c) Authorize Forest officers and such other persons as may from time to time be given authority in that respect to act as quarantine officers for the purposes of the regulations, and confer on quarantine officers so authorized such powers and authorities as are deemed necessary to enable them to carry out the requirements of the regulations:
- (d) Prescribe the charges that may be made for the handling, treatment, disinfection, destruction, or other disposal of tree-seeds, timber, or timber products which are found upon inspection to require such handling, treatment, disinfection, destruction, or other disposal:
- (e) Contain such other powers and authorities as may be necessary or expedient for giving full effect to the provisions of this section and for the due administration thereof.

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

Miscellaneous
amendments.

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

- (a) By repealing subsection four of section seven:
- (b) By repealing subsection four of section nine:
- (c) By omitting from section eleven the words “ the Director and the Chief Inspector or ”.

Government Railways

Special
provisions as
to appeals by
servicemen.

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

Ibid., p. 879

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

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

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

(4) For the purposes of any appeal under this section or the said section eleven the fact that any person has at any time since the third day of September, nineteen hundred and thirty-nine, been absent from duty in the Department by reason of service in any of His Majesty's Forces in connection with the war or by reason of service in any other Government Department on account of causes arising out of the war shall not be taken into account in determining his experience or his efficiency or his suitability for appointment to any position for which he would have been eligible if he had not been absent from duty.

Housing

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

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

Howard Estate

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

Howard Estate Advisory Board.
1927, No. 55

“(a) One member on the joint recommendation of the Hawke’s Bay Provincial Executive and the Southern Hawke’s Bay Provincial Executive of Federated Farmers of New Zealand (Incorporated):”.

Industrial Conciliation and Arbitration

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

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

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

See Reprint of Statutes, Vol. III, p. 939

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

Ibid., Vol. V, p. 586
1939, No. 33

(b) The rates of wages payable to them:

(c) The rates payable for overtime:

(d) The hours of their employment:

(e) The holidays to which they are entitled.

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

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

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

Commencement.

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

1946, No. 40

Repeal.

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

Infants

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

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

(b) In the case of a child that has previously been adopted by an adoption order which is still in force, shall be deemed to mean the adoptive parent or parents of the child for the time

Modifying provisions as to consent to adoption of child.

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

being, and not to include the natural parents of the child or his adoptive parents under any previous adoption that is not for the time being in force.

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

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

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

Judicature

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

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

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

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

Power to make rules conferring specified jurisdiction and powers of Judge on Registrars or Deputy Registrars. See Reprint of Statutes, Vol. II, p. 97

(3) Any jurisdiction and any powers conferred by any rules under this section may by those rules be conferred on specified Registrars or Deputy Registrars or any specified class or classes of Registrars or Deputy Registrars, or on Registrars or Deputy Registrars for any specified district or districts or for any specified part or parts of any such district or districts.

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

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

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

Repeal.

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

Superannuation allowance of Judges who hold office for less than ten years and retire on attaining the age of seventy-two years.

29. Section two of the Judicature Amendment Act, 1920, is hereby amended by omitting the words "and who satisfies", and substituting the words "and who retires on attaining the age of seventy-two years or satisfies".

Land Drainage

Sections to be read with Land Drainage Act, 1908.
See Reprint of Statutes, Vol. IV, p. 466

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

Special-works rate over whole district.

31. (1) Subject to the provisions of section thirty-three of this Act, where it appears to any Board that any particular work the Board is authorized to execute will benefit the whole district, but that the cost thereof

cannot conveniently be defrayed out of the general rates, the Board may by special order make and levy a special-works rate on all property within the district liable to be rated in respect thereof under the principal Act for the purpose of defraying the expenses incurred in executing the work.

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

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

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

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

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

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

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

Special-works
rate over
portion of
district.

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

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

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

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

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

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

Boards may provide dwellings for their employees.

35. (1) Any Board may—

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

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

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

(4) The Board may from time to time borrow moneys by way of special loan under the Local Bodies' Loans Act, 1926, by special order, and without taking the steps prescribed by sections nine to thirteen of that Act, for the purpose of acquiring land and erecting or purchasing dwellings in exercise of the powers conferred by this section.

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

Land Transfer

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

Variation of
lease by
memorandum.
See Reprint
of Statutes,
Vol. VII,
p. 1162
1939, No. 7

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

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

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

Local Government Commission

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

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

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

Marketing

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

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

(2) The power conferred on the Marketing Department by section six of the Marketing Amendment Act, 1937, to fix margins within which any foodstuffs to which that section applies may be bought or sold shall be deemed to include power to fix rates of allowances to be made in respect of the collection and distribution of any such foodstuff for purchase or sale and in respect of other services performed in relation thereto, including the treatment, cleansing, pasteurization, cooling, refrigeration, bottling, packing, or other preparation of the foodstuff for consumption or use; and for the purposes of the said section six and of any notice thereunder the term "margin" shall be deemed to include any rate of allowance so fixed.

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

Commencement.

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

Marriage

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

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

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

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

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

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

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

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

(2) The Marriage Amendment Act, 1946, is hereby 1946, No. 8 amended as follows:—

(a) By omitting from section five the words "certified by the Registrar-General", and substituting the words "certified under the Registrar-General's hand or under his seal":

(b) By inserting, in section six, after the words "signed by the Registrar-General", the words "or sealed by him or stamped with his seal".

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

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

Meat-export Control

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

Suspension of levy on meat exported from New Zealand.

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

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

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

(4) The Governor-General may at any time, by Order in Council, declare the suspension imposed by this section on the operation of the said section thirteen

to be removed as from a date to be specified in that behalf in the Order in Council. As from the date so specified, the provisions of the said section thirteen shall operate accordingly and the provisions of the last preceding subsection shall cease to apply.

Serial number
1940/27

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

Mortgagors and Lessees Rehabilitation

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

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

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

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

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

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

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

Partnership

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

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

Pharmacy

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

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

Police Offences

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

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

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

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

Rating

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

Sections to be read with Rating Act, 1925.

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

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

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

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

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

Effect of
change in
rating system.

51. (1) Notwithstanding anything to the contrary in the principal Act, in any case where, following a resolution of a local authority under section four of the principal Act, or following the carrying in any district of a proposal under sections thirty-nine to forty-seven of the principal Act either to adopt the system of rating on the unimproved value or to rescind the system of rating on the unimproved value, the rates would thereafter be required to be made and levied in any district either on the capital values or the unimproved values appearing on a valuation roll supplied by the Valuer-General and compiled from a district valuation roll wherein the values were revised as at a date earlier than the thirty-first day of March, nineteen hundred and forty-three, the change in the system of rating then subsisting shall take effect as at the date at which the next revision of the district valuation roll is thereafter directed to be made pursuant to the provisions of section eight of the Valuation of Land Act, 1925:

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

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

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

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

Repeal.

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

River Boards

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

Sections to be read with River Boards Act, 1908.

See Reprint of Statutes, Vol. IV, p. 513

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

Special-works rate over whole district.

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

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

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

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

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

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

54. Subject to the provisions of section fifty-five of this Act, where it appears to any Board that any work which the Board is authorized to execute is for the

Special-works rate over portion of district.

special benefit of any particular portion of the district, the Board may in like manner, for defraying the expenses incurred in executing the work, by special order defining such portion, make and levy a special-works rate on all property within the portion so defined, subject to the same limitations and conditions as mentioned in the last preceding section, save that the public notice in any case under this section shall contain a description of the portion of the district in which the rate is proposed to be levied:

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

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

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

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

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

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

Boards may provide dwellings for their employees.

57. (1) Any Board may—
 (a) Acquire land and erect dwellings thereon for disposal under this section:

(b) Erect dwellings for disposal under this section on any land which is the property of the Board and which is not held in trust for any special purpose:

(c) Purchase any land with dwellings thereon for disposal under this section.

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

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

(4) The Board may from time to time borrow moneys by way of special loan under the Local Bodies' Loans Act, 1926, by special order, and without taking the steps prescribed by sections nine to thirteen of that Act, for the purpose of acquiring land and erecting or purchasing dwellings in exercise of the powers conferred by this section.

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

Rotorua Borough

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

Empowering
Rotorua
Borough
Council to
expend moneys
on the
entertainment
of distinguished
visitors.

1922, No. 9

Shipping and Seamen

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

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

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

60. Section one hundred and thirty-three of the Shipping and Seamen Act, 1908, is hereby amended by omitting from subsection five all words after the words "upon the hearing of the charge", and substituting

Evidence
against
seaman who
has deserted
from ship.

the following words: "a certificate signed by the master of the ship stating that the offender was bound by a contract to serve on the ship, giving his name, the duration of the contract, and short particulars of the voyage, and setting out a copy of the entry in the log-book in which the offender's name appears, shall be admitted as evidence against him".

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

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

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

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

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

- (a) By omitting from subsection two the words "and by a master mariner appointed by the Minister":
- (b) By repealing subsection three.

Shops and Offices

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

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

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

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

- (a) By omitting from paragraph (a), as enacted by subsection one of section eight of the Shops and Offices Amendment Act, 1936, the words "fifteen shillings", and substituting the words "twenty-two shillings and sixpence":

(b) By omitting from the said paragraph (a) the words "four shillings a week until the end of the third year, and thereafter not less than two pounds a week", and substituting the words "five shillings a week until the rate of payment is two pounds twelve shillings and sixpence a week; and thereafter the rate of payment shall be not less than two pounds twelve shillings and sixpence a week".

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

1945, No. 44

Stock

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

Sections to be read with Stock Act, 1908.

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

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

Definition of "dip" in relation to sheep.

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

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

Disturbance of stock by trespassers with dog or firearm.

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

(3) For the purposes of this section the term "private land" means any land alienated from the Crown in fee-simple or for any less estate or interest,

or any land, whether alienated from the Crown or not, of which any person is in actual occupation or in receipt of the rents or profits.

Repeal.

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

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

Town Boards

Sections to be read with Town Boards Act, 1908.

See Reprint of Statutes, Vol. V, p. 333

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

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

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

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

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

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

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

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

War Pensions

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

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

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

**Additional
War Pensions
Boards.**

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

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

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

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

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

**Additional
War Pensions
Appeal
Boards.**

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

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

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

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

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

**Revocation of
regulations
and savings.**

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

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