

Hon. Mr. Anderson.

FOOTWEAR REGULATION AMENDMENT.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title and commencement.</p> <p>2. Section 3 of principal Act amended.</p> <p>3. Boots and shoes to be of leather or to be stamped with statement as to nature of material. Repeal.</p> | <p>4. Section 5 of principal Act amended.</p> <p>5. Section 6 of principal Act amended.</p> <p>6. Proceedings against manufacturer, &amp;c., from whom boots or shoes purchased by person charged with offence. Repeals.</p> <p>7. Sales by agent or servant.</p> <p>8. Section 8 of principal Act amended.</p> |
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A BILL INTITULED

AN ACT to amend the Footwear Regulation Act, 1913.

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

1. (1.) This Act may be cited as the Footwear Regulation Amendment Act, 1924, and shall be read together with and deemed part of the Footwear Regulation Act, 1913 (hereinafter referred to as the principal Act).

(2.) This Act shall come into operation on the first day of October *January*, nineteen hundred and twenty-five.

2. (1.) Section three of the principal Act is hereby amended by adding the following definition:—

“ ‘Upper’ means all that part of a boot or shoe not forming part of the sole as hereinbefore defined, but does not include the lining (if any) of the upper.”

(2.) The term “heel-stiffening,” as used in the definition of the term “sole” in section three of the principal Act, means the materials placed at the back of a boot or shoe between the upper and the lining or between the upper and the heel-counter.

3. (1.) Except as otherwise provided in this section no person shall manufacture for sale, or shall sell, or offer or expose for sale, or have in his possession for sale, any boots or shoes unless—

(a.) The soles and uppers thereof are of leather without admixture or addition other than of materials used for filling spaces, for shanks, for toe-puffs, and for linings; or

*Struck out.*

(b.) A statement of the material or materials composing the uppers and soles (not being materials used for filling spaces, for shanks, for toe-puffs, and for linings) is conspicuously and legibly stamped or impressed into the inner surface of the upper or (where the upper is lined) into the lining thereof.

*New.*

(b.) A statement of the material or materials, other than leather, composing the uppers and soles (not being materials used for filling spaces, for shanks, for toe-puffs, and for linings) is conspicuously and legibly stamped or impressed into the inner surface of the upper or (where the upper is lined) into the lining thereof: 5

Provided that where for any reason it is impracticable so to stamp or impress any particular class or classes of boots or shoes the same may be stamped or impressed in such part thereof as may be approved by the Minister of Labour. 10

(2.) For the purposes of this section leather-board, composed wholly or in part of leather scraps or of leather skivings, is not "leather without admixture or addition." 15

(3.) Materials other than leather shall be described by the name of "composition" (which shall include fibre-board) or "card-board" (which shall include pulp) or such other name as may be authorized with respect to any particular material by the Minister of Labour, by notice in the *Gazette*. 20

(4.) Nothing in the foregoing provisions of this section shall render it necessary—

(c.) To mark in the manner described in paragraph (b) of subsection *one* hereof any goloshes, sandshoes, felt shoes, or woollen shoes; or 25

(d.) To include in the statement of material or materials, stamped or impressed pursuant to paragraph (b) of subsection *one* hereof any reference to—

(i.) Rubber or wood, ~~when used in any visible portion of any boot or shoe:~~ 30

(ii.) *Canvas*, Silk, satin, plush, velvet, brocade, tissue, or tinsel or any other material authorized by the Minister of Labour by notice in the *Gazette* when used in the upper of any boot or shoe.

(5.) Any person who commits an offence against this section is liable on summary conviction to a fine of *twenty pounds*. 35

Repeal.

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

*New.*

As to boots or shoes in stock on commencement of this Act.

3A. (1.) Notwithstanding anything contained in the *last preceding* section it shall be lawful for any person at any time to sell, or offer or expose for sale, or have in his possession for sale, any boots or shoes not stamped or impressed in accordance with the requirements of that section, but stamped or impressed in accordance with the law in force immediately before the commencement of this Act, if he proves that such boots or shoes were, on the date of such commencement, part of the existing stock-in-trade in New Zealand of any person carrying on business there. For the purposes of this section any boots or shoes purchased before the said date for importation into New Zealand shall be deemed to be part of the purchaser's stock-in-trade in New Zealand. 40 45 50

5 (2.) Every person who, on the commencement of this Act, has in his possession for sale any such boots or shoes shall, not later than the thirty-first day of January, nineteen hundred and twenty-five, cause to be delivered to an Inspector a statement in the prescribed form setting forth such particulars as may be prescribed with respect thereto.

4. Section five of the principal Act is hereby amended by repealing subsection three and substituting the following:—

Section 5 of principal Act amended.

10 “(3.) Any Inspector may demand, and select and take one pair of each kind of boots or shoes which he may require for the purposes of this Act, and a just price shall be paid for the same unless they are returned to the owner within *one month* thereafter, or, if proceedings are taken within that period, then within *one month* after the conclusion of such proceedings, or unless the owner is convicted of an offence

15 *in respect of such boots or shoes.*”

5. Section six of the principal Act is hereby amended by adding to paragraph (b) of subsection one the words “Trade samples of boots or shoes shall be deemed to be boots or shoes kept in stock within the meaning of this paragraph.”

Section 6 of principal Act amended.

20 6. (1.) In any prosecution under this Act, if the defendant satisfies the Court that the boots or shoes which are the subject of the prosecution were purchased or obtained by him from any other person, being a manufacturer, importer, or wholesale dealer, or an agent or servant of any such manufacturer, importer, or dealer, the

25 Court may adjourn the hearing of the information for such time as it thinks fit to allow of proceedings being taken against such person, and where such proceedings are taken the informations may be heard together.

Proceedings against manufacturer, &c., from whom boots or shoes purchased by person charged with offence.

30 (2.) This section is in substitution for section seven of the principal Act, as amended by section four of the Footwear Regulation Amendment Act, 1915, and those sections are hereby accordingly repealed.

Repeals.

35 7. For the purposes of the principal Act every person shall be deemed to sell any boots or shoes who sells the same either on his own account or as the agent or servant of any other person, and in the case of any sale by an agent or servant his principal or employer shall be under the same liability as if he had effected the sale personally.

Sales by agent or servant

40 8. Section eight of the principal Act is hereby amended by omitting from paragraph (a) of subsection one the words “the soles of.”

Section 8 of principal Act amended.