

GOVERNMENT RAILWAYS AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill provides for amendments to the Government Railways Act, 1949.

Clause 2 authorizes the issue of certificates of title for railway land.

Clause 3 prevents any appeal against the appointment of any member to any position in the salaried division, if—

- (a) The appointment is made after the passing of this Bill; and
- (b) The appointment does not involve the promotion of the member or his transfer from one branch of the Department to another; and
- (c) The position to which the member has been appointed and the position held by him immediately before the appointment are both positions which are in the usual course of promotion for members of the General Division or members previously promoted from the General Division.

Hon. Mr. Goosman

GOVERNMENT RAILWAYS AMENDMENT

ANALYSIS

Title.	
1. Short Title.	3. Right of appeal against appointments which do not involve promotion.
2. Certificates of title for railway land.	

A BILL INTITULED

AN ACT to Amend the Government Railways Act, 1949. **Title.**

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

1. This Act may be cited as the Government Railways Amendment Act, 1950, and shall be read together with
and deemed part of the Government Railways Act, 1949
(hereinafter referred to as the principal Act). **Short Title.**
1949, No. 40

10 2. The principal Act is hereby amended by inserting,
after section forty-six, the following section:— **Certificates of title for railway land.**

“ 46A. (1) Where any land has become vested in His Majesty the King for railway purposes so that the fee simple estate and all other estates and interests therein
15 of any person other than His Majesty are extinguished, the District Land Registrar, on the completion of such surveys (if any) as may be necessary shall, at the request of the Minister, issue a certificate of title for the land in the name of His Majesty, and that certificate of
20 title shall include a reference to the purposes for which the land is held.

“(2) Any instrument which relates to the land in any such certificate of title and is duly executed by a person having the necessary authority under this Act may thereafter be registered in accordance with the provisions of the Land Transfer Act, 1915. 5

See Reprint
of Statutes,
Vol. VII,
p. 1162.

“(3) Any certificate of title issued before the commencement of this section in the name of His Majesty and any instrument which is duly executed by a person having the necessary authority under this Act or under the corresponding provisions of any former Act and which relates to the land in any such certificate of title shall be deemed to have been lawfully issued or executed. 10

Ibid., pp. 634,
727

“(4) Any land declared by section twenty-three or section two hundred and sixteen of the Public Works Act, 1928, to be vested in His Majesty in fee simple shall for the purposes of this section be deemed to be vested in His Majesty so that the fee simple therein is extinguished.” 15

Right of
appeal against
appointments
which do not
involve
promotion.

3. Section ninety-five of the principal Act is hereby amended by adding the following subsection:— 20

“(9) Notwithstanding anything to the contrary in this Act, the Appeal Board shall not have jurisdiction to hear or determine any appeal against the appointment of any member to any position (whether newly created or not) in the Salaried Division, if— 25

“(a) The appointment is made after the commencement of this subsection; and

“(b) The appointment does not involve the promotion of the member so appointed, or the transfer of that member from one branch of the Department to another; and 30

“(c) The position to which the member has been appointed and the position held by that member immediately before that appointment are both positions which are in the usual course of promotion for members of the General Division or members previously promoted from the General Division.” 35