

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

*House of Representatives,
30th October, 1936.*

Hon. Mr. Mason.

STATUTES AMENDMENT.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p style="padding-left: 40px;"><i>Acts Interpretation.</i></p> <p>2. Section 25 of Acts Interpretation Act, 1924, amended.</p> <p>3. Acts Interpretation Act, 1924, to apply to regulations, &c., made under authority of Imperial Acts.</p> <p><i>Agricultural and Pastoral Societies.</i></p> <p>4. As to making and publication of by-laws regulating admission to meetings, &c. Repeal.</p> <p style="padding-left: 40px;"><i>Agricultural Workers.</i></p> <p>5. Modifying conditions of employment of agricultural workers on dairy-farms.</p> <p><i>Animals Protection and Game.</i></p> <p>6. Regulations may be made prohibiting sale or use of bird-lime.</p> <p style="padding-left: 40px;"><i>Apprentices.</i></p> <p>7. Minister of Labour may approve special contracts of apprenticeship in certain cases. Repeal.</p> <p style="padding-left: 40px;"><i>Bankruptcy.</i></p> <p>8. Section 81 of Bankruptcy Act, 1908, amended.</p> | <p>9. Modification of provisions requiring annual publication of lists of undischarged bankrupts.</p> <p style="padding-left: 40px;"><i>Births and Deaths Registration.</i></p> <p>10. This section and next three sections to form part of Births and Deaths Registration Act, 1924.</p> <p>11. Medical practitioner to send death certificate to Registrar. Repeal.</p> <p>12. Section 39 of Births and Deaths Registration Act, 1924, amended.</p> <p>13. Section 25 of Births and Deaths Registration Act, 1924, amended.</p> <p style="padding-left: 40px;"><i>Board of Trade.</i></p> <p>14. Board of Trade Regulations.</p> <p style="padding-left: 40px;"><i>Cemeteries.</i></p> <p>15. Authorizing the free interment in cemeteries and burial-grounds of deceased returned soldiers.</p> <p style="padding-left: 40px;"><i>Chattels Transfer.</i></p> <p>16. Customary hire-purchase agreements to have inventory.</p> <p style="padding-left: 40px;"><i>Child Welfare.</i></p> <p>17. Abolishing penalty of whipping for offences dealt with in Children's Courts.</p> |
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19. Material misrepresentation to be a defence to actions for calls on shares in companies incorporated outside New Zealand.

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30. Power of Minister of Railways to execute works and supply goods and services.

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31. Section 248 of Harbours Act, 1923, amended.

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33. Housing Survey Act, 1935, to be administered by Minister of Finance.

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35. Section 8 of Hunter Gift for the Settlement of Discharged Soldiers Act, 1921, amended.

Industrial Conciliation and Arbitration.

36. Amending provisions relating to fixation and application of basic rates of wages.

37. Amending provisions as to compulsory membership of unions.

38. Court of Arbitration to have jurisdiction to make awards fixing conditions of employment and rates of remuneration of officers and servants of local authorities and public bodies.

39. Validation of certain agreement made between employers and workers during the currency of an award of Arbitration Court.

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40. Special-jury book. Repeal.

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41. Person committed for trial may plead guilty before trial.

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44. Disqualification of members of Licensing Committee. Consequential repeal.

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45. Extending definition of term "aviation authority".
46. By-laws to be approved by Minister of Defence.

Local Authorities (Members' Contracts).

47. No account to be taken of refund of deposit in assessing value of contract within which members of local authorities may contract without disqualification.

Local Elections and Polls.

48. Voting by bodies corporate, &c., abolished.

Magistrates' Courts.

49. As to joinder of plaintiffs in Magistrates' Court. Repeal.
50. As to joinder of defendants in Magistrates' Court. Repeal.
51. Section 141 of Magistrates' Courts Act, 1928, amended. Commencement.
53. Attachment orders in Magistrates' Courts. Repeals. Commencement.

Massey Agricultural College.

53. Member of Massey Agricultural College to be appointed by resolution of Palmerston North City Council.

Mining.

54. Section 88 of Mining Act, 1926 (as to dredging claims along stream or foreshore), amended. Repeal.

Money-lenders.

55. Court may declare money-lending transactions legal in certain cases.

Mortgagors and Lessees Rehabilitation.

56. Section 55 of Mortgagors and Lessees Rehabilitation Act, 1936, amended.

Motor-vehicles.

57. Police, traffic officers, and ambulance and fire-brigade drivers in certain circumstances exempted from speed-limit imposed by section 3 of Motor-vehicles Amendment Act, 1936.

Municipal Corporations.

58. Borough Councils may install, purchase, or sell electric fittings and equipment.
59. Section 332 of Municipal Corporations Act, 1933, amended.
60. Authorizing restoration of reductions of annual allowances payable to Mayors.

Pharmacy.

61. Limitation as to enrolment of managers under Pharmacy Act, 1908.

Poultry-runs Registration.

62. Powers of New Zealand Poultry Board to borrow.

Property Law.

63. Section 24 of Property Law Act extended.

Public Reserves, Domains, and National Parks.

64. Section 52 of Public Reserves, Domains, and National Parks Act, 1928, amended.

Rating.

65. Modification of definition of term "rateable property" for purposes of Rating Act, 1925.

Reformatory Institutions.

66. Provision for temporary absence of inmate of Inebriates Home for medical treatment, &c.
67. Section 19 of Reformatory Institutions Act, 1909, amended.
68. Section 23 of Reformatory Institutions Act, 1909, amended.

Scientific and Industrial Research.

69. In absence of member, temporary member of Council of Scientific and Industrial Research may be appointed.
70. Power of Department of Scientific and Industrial Research to acquire land.

<p><i>Small Farms (Relief of Unemployment).</i></p> <p>71. Removing restrictions on acquisition of leasehold estates by land settlement societies.</p> <p><i>Stock-remedies.</i></p> <p>72. This section and next three sections to form part of Stock-remedies Act, 1934.</p> <p>73. As to expiration of certificates of registration issued under principal Act.</p> <p>74. Publication in <i>Gazette</i> of certain matters deemed notification of registration of stock-remedy.</p> <p>75. Inspectors under Stock Act, 1908, deemed Inspectors under principal Act.</p> <p><i>Town Boards.</i></p> <p>76. Annual allowances to Chairman of Town Board.</p>	<p><i>Trade-unions.</i></p> <p>77. Section 6 of Trade-unions Act, 1908, amended.</p> <p>78. Grounds on which Registrar may cancel certificate of registration of defunct trade-union.</p> <p><i>Transport Licensing.</i></p> <p>79. Amending definitions of terms "goods-service" and "passenger-service".</p> <p><i>Trustee.</i></p> <p>80. This section and the next two sections to form part of Trustee Act, 1908.</p> <p>81. Power of Court to authorize dealings with trust property.</p> <p>82. Protection against liability in respect of rents and covenants. Repeals. Schedule.</p>
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A BILL INTITULED

Title. AN ACT to amend certain Acts of the General Assembly of New Zealand.

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

Short Title. 1. This Act may be cited as the Statutes Amendment Act, 1936.

Acts Interpretation.

Section 25 of Acts Interpretation Act, 1924, amended. See Reprint of Statutes, Vol. VIII, p. 581

2. Section twenty-five of the Acts Interpretation Act, 1924, is hereby amended by adding the following paragraph:—

“(j) Power given to do any act or thing, or to make any appointment, is capable of being exercised as often as is necessary to correct any error or omission in any previous exercise of the power, notwithstanding that the power is not in general capable of being exercised from time to time.”

Acts Interpretation Act, 1924, to apply to regulations, &c., made under authority of Imperial Acts.

3. The Acts Interpretation Act, 1924, shall apply to all rules, regulations, by-laws, and other acts of authority made or done by the Governor-General or by any other person in New Zealand under any Imperial Act or under any rule or order of His Majesty in Council in the same way as it applies to rules, regulations, by-laws, and other acts of authority made or done under an Act of the General Assembly of New Zealand.

Agricultural and Pastoral Societies.

4. (1) This section shall be read together with and deemed part of the Agricultural and Pastoral Societies Act, 1908 (hereinafter referred to as the principal Act).

5 (2) By-laws under the Agricultural and Pastoral Societies Amendment Act, 1933, may be made, amended, or revoked by any society in the manner prescribed by section eleven of the principal Act, and not otherwise.

10 (3) No such by-law, and no amendment or revocation of any such by-law, shall have any force or effect until it has been approved by the Governor-General. Every such by-law, amendment, or revocation, on being so approved, shall take effect from the date of such approval or from any later date specified in the by-law or amendment or instrument of revocation, as the case may be.

15 (4) A copy of every such by-law and every amendment thereof, and a notice of every such revocation, shall be forwarded by the society to the Minister of Agriculture, who, on being satisfied that the same has been duly made by the society and approved by the Governor-General, shall, subject to the provisions of the next succeeding subsection, publish it in the Gazette at the expense of the society.

20 (5) In any case where a society makes any such by-laws which, in the opinion of the Minister of Agriculture, contain substantially the same provisions as those contained in by-laws of any other society previously published in the Gazette under the last preceding subsection, the Minister, at the expense of such first-mentioned society, may publish in the Gazette a notice setting forth—

25 (a) The name of the first-mentioned society and the date on which its by-laws come into force; and

30 (b) The name of the society the by-laws of which have been so published in the Gazette and a reference to the Gazette in which they were published; and

35 (c) A statement to the effect that the by-laws so published are substantially the same as the by-laws of such first-mentioned society.

40 Publication of a notice under this subsection shall be deemed to be due compliance with the provisions of

As to making and publication of by-laws regulating admission to meetings, &c. See Reprint of Statutes, Vol. I, p. 47 1933, No. 8

Section 22 of Act of Amendment 1933, No. 8

Act of Amendment 1933, No. 8

the *last preceding* subsection relating to the publication of by-laws in the *Gazette*.

Repeal.
1933, No. 8

(6) This section is in substitution for section four of the Agricultural and Pastoral Societies Amendment Act, 1933, and that section is hereby accordingly repealed. 5

Agricultural Workers.

Modifying
conditions of
employment of
agricultural
workers on
dairy-farms.
1936, No. 30

5. (1) Section fourteen of the Agricultural Workers Act, 1936, is hereby amended by omitting from subsection six the words "by reason of infirmity arising from old age or other cause". 10

(2) A permit may be granted under the said subsection six to any woman or girl employed as an agricultural worker on any dairy-farm if the Inspector is satisfied, having regard to the conditions of her employment, the nature of the work performed by her, the time occupied in the performance of her work, and any other relevant circumstances, that she is not reasonably entitled to wages at the prescribed minimum rate. Where a permit is granted for the purposes of this subsection the Inspector may also reduce to such amount as he thinks fit the amount (if any) payable to the woman or girl in respect of her board and lodging pursuant to subsection four of the said section fourteen. 15
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Animals Protection and Game. 25

Regulations
may be made
prohibiting
sale or use of
bird-lime.
See Reprint
of Statutes,
Vol. I, p. 196

6. Section forty-three of the Animals Protection and Game Act, 1921-22, is hereby amended by adding to subsection one the following paragraph:—

"(cc) Regulating or prohibiting the sale, possession, or use of bird-lime or substances of a similar nature." 30

Apprentices.

Minister of
Labour may
approve
special
contracts of
apprenticeship
in certain
cases.
Ibid.,
Vol. V, p. 576

7. (1) Any person who has attained the age of eighteen years or upwards may, with the approval of the Minister of Labour, and notwithstanding anything to the contrary in the Apprentices Act, 1923, enter into a special contract of apprenticeship with an employer, to serve as an apprentice for such period and upon such terms and conditions as in the circumstances the Minister thinks reasonable and equitable. 35
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Repeal.

(2) This section is in substitution for section eleven of the Apprentices Act, 1923, as amended by section six of the Apprentices Amendment Act, 1925, and those sections are hereby accordingly repealed.

Bankruptcy.

8. Section eighty-one of the Bankruptcy Act, 1908, is hereby amended by omitting from subsection two the words "ten days", and substituting the words
- 5 "fourteen days".
9. Section fourteen of the Bankruptcy Amendment Act, 1927, is hereby amended by repealing subsections two, three, and four thereof, and substituting the following subsection:—
- 10 "(2) The Minister may from time to time, as he thinks fit, publish any list compiled pursuant to the last preceding subsection in such manner as he thinks proper, or publish so much of the list as relates to adjudications in bankruptcy made within any specified period ending
- 15 on the date of the compilation of the list. Any list or portion of a list so published shall be available for sale to the public at a price to be fixed by the Minister."

Section 81 of Bankruptcy Act, 1908, amended.

See Reprint of Statutes, Vol. I, p. 511

Modification of provisions requiring annual publication of lists of undischarged bankrupts.

Ibid., p. 578

Births and Deaths Registration.

10. This section and the next three succeeding
- 20 sections shall be read together with and deemed part of the Births and Deaths Registration Act, 1924 (hereinafter in those sections referred to as the principal Act), and shall come into force on the first day of January, nineteen hundred and thirty-seven.
- 25 11. (1) On the death of any person who has been attended during his last illness by a registered medical practitioner, that practitioner shall forthwith sign and deliver to the Registrar of the district in which the death occurred a certificate, on the printed form to be supplied
- 30 for that purpose by the Registrar-General, stating to the best of his knowledge and belief the causes of death, both primary and secondary, the duration of the last illness of the deceased, the date on which he last saw the deceased alive, and such other particulars as
- 35 may be required by the Registrar-General, and the particulars stated therein shall be entered in the register together with the name of the certifying medical practitioner.
- (2) The medical practitioner shall at the same time
- 40 sign and deliver to the undertaker or other person having charge of the burial a notice on the printed form to be supplied for that purpose by the Registrar-General

This section and next three sections to form part of Births and Deaths Registration Act, 1924.

Ibid., Vol. VIII, p. 36

Medical practitioner to send death certificate to Registrar.

to the effect that he has furnished a certificate under the *last preceding* subsection to the Registrar. Every notice under this subsection shall state, to the best of the knowledge and belief of the medical practitioner, whether or not the deceased, at the time of his death, was suffering from any infectious disease. 5

(3) In any case where, in the opinion of the medical practitioner, the death has occurred under any circumstances of suspicion, the practitioner shall forthwith report the case to the Coroner. 10

(4) Every medical practitioner required to give a certificate and a notice as aforesaid, or to report to the Coroner as provided by the *last preceding* subsection, who refuses or neglects to do so is liable to a fine not exceeding *five* pounds. 15

Repeal.

(5) This section is in substitution for section forty-one of the principal Act, and that section is hereby accordingly repealed.

Section 39
of Births and
Deaths
Registration
Act, 1924,
amended.

12. Section thirty-nine of the principal Act is hereby amended by inserting, after the words "as hereinbefore provided" in subsection one, the words "or on receipt of a certificate of cause of death signed by a duly registered medical practitioner". 20

Section 25
of Births
and Deaths
Registration
Act, 1924,
amended.

13. Section twenty-five of the principal Act is hereby amended by adding to subsection three the following proviso:— 25

"Provided that in the case of a birth registered pursuant to section twenty-four hereof neither the mother nor the person acknowledging himself to be the father shall be required to sign the register if satisfactory evidence on oath of acknowledgment of parenthood and of the consent of both such persons to the entry of the name of the father is produced to the Registrar-General." 30

Board of Trade.

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Board of
Trade
Regulations.

14. (1) The general authority to make Board of Trade Regulations, for the regulation and control of industries in any manner which is deemed necessary for the maintenance and prosperity of those industries and the economic welfare of New Zealand, conferred on the Governor-General in Council by paragraph (e) of subsection one of section twenty-six 40

of the Board of Trade Act, 1919, shall not be restricted or in any way affected by any of the specific powers conferred on him by paragraphs (a) to (d) of the said subsection, and no regulations made under the said
5 section shall be deemed to be invalid because they deal with any matter provided for by any other Act or because of repugnancy to any such Act.

See Reprint of Statutes, Vol. VIII, p. 635

(2) All regulations heretofore made by the Governor-General in Council, purporting to be made under the
10 authority conferred on him by the said section twenty-six, shall, as from the making thereof, be deemed to have been made with full power and authority and to have been and to be valid and of full effect accordingly.

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Cemeteries.

15. Notwithstanding anything contained in the Cemeteries Act, 1908, or in any other Act, it shall be deemed to be and to have always been lawful for any local authority, managers, or trustees, as defined in
20 section two of the Cemeteries Act, 1908, to appropriate permanently and set apart a portion of any cemetery or burial-ground vested in or under the control of such local authority, managers, or trustees, to be used only for the burial of the bodies of deceased returned
25 soldiers, and to permit of the interment of such persons therein without payment of any fee, and to grant without any payment (whether in perpetuity or for a limited period) the exclusive right of burial therein.

Authorizing the free interment in cemeteries and burial-grounds of deceased returned soldiers.

Ibid., Vol. I, p. 731

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Chattels Transfer.

16. The provisions of section twenty-three of the Chattels Transfer Act, 1924, shall apply to customary hire-purchase agreements as defined in section fifty-seven of that Act to the same extent as if such agreements
35 were instruments within the meaning of that Act.

Customary hire-purchase agreements to have inventory.

Ibid., pp. 643, 655

Child Welfare.

17. Notwithstanding anything to the contrary in the Justices of the Peace Act, 1927, or in any other Act, the punishment of whipping shall not be inflicted on any
40 child or young person by order of a Children's Court established under the Child Welfare Act, 1925.

Abolishing penalty of whipping for offences dealt with in Children's Courts.

Ibid., Vol. II, p. 351; Vol. III, p. 1091

Cinematograph Films.

Governor-General may make regulations for licensing film projectionists and for matters incidental thereto.

See Reprint of Statutes, Vol. I, p. 805

18. Without limiting in any way the authority conferred on the Governor-General by section twenty-four of the Cinematograph Films Act, 1928, to make such regulations as he thinks proper with respect to the storage, transport, and projection of cinematograph-film, and with respect to matters incidental thereto, it is hereby expressly declared that the Governor-General, acting under the authority of that section, may make regulations as follows:—

- (a) Providing for the licensing of operators of cinematograph-machines used in the projection of film and for the constitution of a licensing authority: 5
- (b) Providing for the granting and periodical renewal of licenses and prescribing fees (not exceeding *one* pound in each case) to be paid in respect of licenses and renewals and of applications therefor: 15
- (c) Providing for the revocation and endorsement of licenses: 20
- (d) Providing for the appointment of persons to examine or otherwise determine the fitness of applicants for licenses and prescribing the functions and remuneration of such persons: 25
- (e) Providing for examinations or other tests of fitness for applicants for licenses and prescribing fees (not exceeding *one* pound in each case) to be payable by entrants for such examinations or tests: 30
- (f) Providing for such other matters incidental to the exercise of the powers conferred by this section as may be necessary to give effect to the provisions contained therein.

Companies.

Material misrepresentation to be a defence to actions for calls on shares in companies incorporated outside New Zealand.

19. (1) In any proceedings in any Court, whether commenced before or after the passing of this Act, for the recovery of the amount of any unpaid call on a share in any company incorporated outside New Zealand, it shall be a sufficient defence if it is established to the satisfaction of the Court that the shareholder was induced to apply for the share by a material misrepresentation in any prospectus or other publication of the company 35 40

or by a material misrepresentation, whether in writing or not, made by any agent of the company or by any other person instrumental in inducing the application, unless it is proved that after discovering the misrepresentation the shareholder has by some positive act elected to remain a shareholder of the company in respect of the share, and the Court considers it inequitable that the defence should be allowed.

(2) Without limiting the provisions of section six of the Reciprocal Enforcement of Judgments Act, 1934, any judgment registered (whether before or after the passing of this Act) under section four of that Act shall be set aside on an application under the said section six if the Supreme Court is satisfied that the judgment was obtained in proceedings commenced by the judgment creditor or any person through whom he claims for the recovery of the amount of any unpaid call on a share in any company incorporated outside New Zealand, and that the shareholder was induced to apply for the share by a material misrepresentation in any prospectus or other publication of the company or by a material misrepresentation, whether in writing or not, made by any agent of the company or by any other person instrumental in inducing the application, unless it is proved that after discovering the misrepresentation the shareholder has by some positive act elected to remain a shareholder of the company in respect of the share, and the Court considers it inequitable that the judgment should be set aside under this subsection.

30 *Counties.*

20. (1) Any County Council constituted under the Counties Act, 1920, may from time to time set aside any moneys to form a fund or funds for the repair, renewal, replacement, or improvement of any property, plant, fixtures, or appliances of the Council, or for the purpose of purchasing additional property, plant, fixtures, or appliances of the class for which the fund or funds is or are so established.

(2) The Council may from time to time apply the moneys so set aside only to the purposes aforesaid, or any of them, and may invest any moneys so set aside, and pay the proceeds of such investment into the said fund or funds.

Authorizing County Councils to establish renewal or replacement funds in respect of property, plant, &c.
See Reprint of Statutes, Vol. V, p. 180
Cf. 1933, No. 30, s. 130

Crimes.

Section 216
of Crimes Act,
1908, amended.

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

Repeal
1922, No. 35

21. (1) Section two hundred and sixteen of the Crimes Act, 1908, as amended by section two of the Crimes Amendment Act, 1922, is hereby further amended by omitting from subsection three the words "nine months", and substituting the words "twelve months". 5

(2) Section two of the Crimes Amendment Act, 1922, is hereby consequentially amended by repealing paragraph (b) of subsection two.

Dairy Industry.

Certain
companies
associated with
dairy industry
may accept
surrender of
shares.

See Reprint
of Statutes,
Vol. I, p. 91
1933, No. 39

22. The provisions of sections fifty to fifty-three of the Dairy Industry Act, 1908, shall, with the necessary modifications, apply to every company of a class referred to in paragraph (b) of section eighteen of the Companies Act, 1933: 10 15

Provided that the authority conferred by this section shall only extend to authorize such a company to accept a surrender of shares and not to require such a surrender:

Provided also that this section shall only apply to such a company where not less than ninety per centum of the shares for the time being allotted in the share capital of the company are owned by one or more co-operative dairy companies registered under Part III of the Dairy Industry Act, 1908. 20 25

Divorce and Matrimonial Causes.

Provisions as
to costs where
law officers
intervene or
show cause
against decree
of divorce.

Cf. 15 & 16
Geo. V, c. 49,
s. 182

23. (1) Where the Attorney-General or the Solicitor-General appears or intervenes in any suit or proceedings for divorce, or appears or shows cause against the making of a decree *nisi* or a decree absolute in any such suit or proceedings, the Court may make such order as to the payment by other parties to the suit or proceedings, including a wife, of the costs incurred by him in so doing, or as to the payment by him of any costs incurred by any of the said parties by reason of his so doing, as may seem just. 30 35

(2) Section twenty-four of the Divorce and Matrimonial Causes Act, 1928, is hereby amended by omitting from subsection three the words "and the Court may order the costs arising from such intervention to be paid by the parties, or such of them as it seems fit, including a wife if she has separate property". 40

See Reprint
of Statutes,
Vol. III, p. 876

Electoral.

24. Section seven of the Electoral Act, 1927, is hereby amended by omitting from subsection two the words "three months", and substituting the words "twelve months".

Extension of time allowed to Representation Commissions for alteration of electoral boundaries after completion of periodical census.

Fair Rents.

25. Section twenty-one of the Fair Rents Act, 1936, is hereby amended, as from the date of the passing of that Act, by adding to the proviso the following words: "Any such agreement shall be exempt from stamp duty".

See Reprint of Statutes, Vol. VI, p. 473

Family Protection.

26. (1) For the purposes of section thirty-three of the Family Protection Act, 1908, the term "children" shall be deemed to include illegitimate children, but no distribution of any part of the estate of any testator that is made before any application is made under the said section thirty-three by or on behalf of any illegitimate child of the testator shall be disturbed by reason of the application or of an order made thereon.

Agreement as to fair rent under section 21 of Fair Rents Act, 1936, exempt from stamp duty. 1936, No. 14

(2) Subject to the provisions of the said section thirty-three, this section shall apply in all cases, whether the testator has died before or after the passing of this Act.

Illegitimate children to receive benefit of Family Protection Act, 1908.

See Reprint of Statutes, Vol. III, p. 298

Finance.

27. (1) Section fourteen of the Finance Act, 1931, is hereby amended by omitting from subsection two the words "as of right", and substituting the words "whether as of right or with the consent or approval of the appropriate authority".

Increasing retiring-allowances under section 14 of Finance Act, 1931.

(2) Any increase in the rate of retiring-allowances provided for in the *last preceding* subsection shall apply in respect of all periods after the thirty-first day of October, nineteen hundred and thirty-six.

Ibid., Vol VII, p. 92

28. Section seventeen of the Finance Act, 1936, is hereby declared to apply, and at all times heretofore to have applied, to the rates of remuneration payable to officers, servants, or workmen appointed by any local authority or public body pursuant to the authority of any statute (whether or not by such statute express authority is given to fix the rate of remuneration payable to any such officer, servant, or workman).

Declaratory provision as to section 17 of Finance Act, 1936. 1936, No. 16

Fire Brigades.

Fire Boards deemed to be local authorities within meaning of the Local Bodies' Loans Act, 1926, for certain purposes.

See Reprint of Statutes, Vol. III, p. 321; Vol. V, p. 360

29. (1) For the purpose of the issue of debentures as provided by section thirty-one of the Fire Brigades Act, 1926, a Fire Board shall be deemed to be a local authority within the meaning of the Local Bodies' Loans Act, 1926, save that it shall not be necessary to take the steps prescribed by sections nine to thirteen of that Act in respect of a loan raised under the authority of that section. 5

(2) In particular, but without limiting the general application of the Local Bodies' Loans Act, 1926, and in addition to any other provisions heretofore or hereafter made to apply, the provisions of sections twenty-seven to thirty-five, thirty-seven, thirty-eight, forty-five, and forty-seven to sixty-one thereof, and of Parts IV, V, and VI thereof, shall, with the necessary modifications, apply with respect to the issue of debentures by a Fire Board under the authority of the said section thirty-one of the Fire Brigades Act, 1926. 10 15

Government Railways.

Power of Minister of Railways to execute works and supply goods and services.

Ibid., Vol. VII, p. 812

30. (1) In addition to the powers conferred upon the Minister of Railways by the Government Railways Act, 1926, or any other Act, the said Minister shall have power and shall be deemed to have always had power to enter into contracts to execute works, to supply (whether for sale or hire) materials and goods, whether or not they are products, by-products, or manufactures of any branch of the Department, and to provide labour and services. 25

(2) Any such contract made by the Minister (whether before or after the passing of this Act) shall be deemed to have been made on behalf of the Crown. 30

Harbours.

Section 248 of Harbours Act, 1923, amended.

Ibid., Vol. III, p. 661

31. Section two hundred and forty-eight of the Harbours Act, 1923, is hereby amended by adding to subsection one thereof the following proviso:— 35

“ Provided that the limitation of time for the commencement of actions, prescribed by the foregoing provisions of this section, shall not apply with respect to any action for damages in respect of an injury suffered by any worker in the course of his employment, and any such action may be brought at any time within six months after the cause of action arose.” 40

Housing.

32. (1) The Governor-General is hereby empowered to take under the provisions of the Public Works Act, 1928, any land required for housing purposes, and any
5 land so taken shall be deemed to have been taken as for a public work duly authorized by the said Act:

Land required for housing purposes may be taken under Public Works Act. See Reprint of Statutes, Vol. VII, p. 622

Provided that no Native land shall be taken in pursuance of this section without the consent of the Native Minister.

10 (2) Any land so taken shall be deemed to have been set apart for the purposes of the Housing Act, 1919.

Ibid., Vol. III, p. 798

Housing Survey.

33. The Housing Survey Act, 1935, is hereby amended by omitting from section three, subsection one of section
15 five, section six, and section seven the references to the Minister of Internal Affairs and substituting in each case a reference to the Minister of Finance.

Housing Survey Act, 1935, to be administered by Minister of Finance. 1935, No. 40

34. Section nine of the Housing Survey Act, 1935, is hereby amended by omitting the words "nineteen
20 hundred and thirty-six", and substituting the words "nineteen hundred and thirty-seven".

Duration of Housing Survey Act, 1935, extended.

Hunter Gift for the Settlement of Discharged Soldiers.

35. Section eight of the Hunter Gift for the Settlement of Discharged Soldiers Act, 1921, is hereby
25 amended by adding to subsection one the words "and for the benefit of children (including stepchildren or legally-adopted children) under the age of sixteen years of discharged soldiers who are patients within the meaning of the Mental Defectives Act, 1911".

Section 8 of Hunter Gift for the Settlement of Discharged Soldiers Act, 1921, amended.

See Reprint of Statutes, Vol. IV, p. 1002; Vol. V, p. 743

30 *Industrial Conciliation and Arbitration.*

36. (1) Section three of the Industrial Conciliation and Arbitration Amendment Act, 1936, is hereby amended by repealing subsection one thereof, and substituting the following subsection:—

Amending provisions relating to fixation, and application of basic rates of wages. 1936, No. 6

35 "(1) The Court shall of its own motion, within six months after the commencement of this Act, make a general order fixing a basic rate of wages for adult male workers, and, by the same or a similar order, shall, within the same time, fix a basic rate of wages for adult
40 female workers."

(2) The said section three is hereby further amended by omitting from subsection six the words "employed in any industry to which any award or industrial agreement relates", and substituting the words "the conditions of whose employment are fixed by any award or industrial agreement". 5

Amending provisions as to compulsory membership of unions. 1936, No. 6

37. Section eighteen of the Industrial Conciliation and Arbitration Amendment Act, 1936, is hereby amended as follows:—

- (a) By omitting from subsection one the words "the industry to which the award relates", and substituting the words "any position or employment subject to the award": 10
- (b) By omitting from subsection two the words "the industry to which the agreement relates", and substituting the words "any position or employment subject to the agreement": 15
- (c) By omitting from subsection three the words "the industry to which the award or agreement relates", and substituting the words "any position or employment subject to the award or agreement": 20

Court of Arbitration to have jurisdiction to make awards fixing conditions of employment and rates of remuneration of officers and servants of local authorities and public bodies.

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

38. (1) The Court of Arbitration shall have jurisdiction to make an award under the Industrial Conciliation and Arbitration Act, 1925, in relation to the employment by any local authority or public body of any of its officers, servants, or workmen, and the provisions of such award, in so far as they fix rates of remuneration or other conditions of employment, shall not be deemed to be restricted or in any way affected by reason of the fact that any local authority or public body bound thereby may be empowered by any Act to fix the rates of remuneration or the conditions of employment of its officers, servants, or workmen, or of any of them. 30

(2) The rates of remuneration and the conditions of employment of such officers, servants, and workmen as aforesaid are hereby declared to be industrial matters within the meaning of the said Act. 35

Validation of certain agreement made between employers and workers during the currency of an award of Arbitration Court.

Ibid., p. 939

39. Notwithstanding anything to the contrary in the Industrial Conciliation and Arbitration Act, 1925, the agreement of the fifteenth day of June, nineteen hundred and thirty-six (relating to the terms and conditions of the employment of workers in licensed hotels), is hereby declared to be valid and to be binding upon the employers and workers to whom it relates as if it were an industrial agreement duly made and executed under the said Act, but nothing herein shall affect the order of the Court of Arbitration, dated the fourteenth day of August, 45

nineteen hundred and thirty-six (reducing the weekly working-hours of employees in licensed hotels).

Juries.

5 40. (1) This section shall be read together with and deemed part of the Juries Act, 1908 (hereinafter in this section referred to as the principal Act).

Special-jury book.
See Reprint of Statutes, Vol. IV, p. 399

(2) The Sheriff shall keep in his office the lists sent and delivered to him by the Jury Officers as provided by section twenty-five of the principal Act, and shall 10 take from such lists consecutively and enter in a book consecutively the names, in the order in which they stand therein, of all men who are known to him to be, or from their descriptions appear to him to be, acquainted with business, mercantile, or banking matters, so as to make 15 up such a number of special jurymen as he considers necessary.

(3) The *last preceding* subsection is in substitution for section thirty-five of the principal Act, and that section is hereby accordingly repealed.

Repeal.

20 (4) Section seventy-one of the principal Act is hereby consequentially amended by omitting from subsection four the words "expert knowledge", and substituting the words "a knowledge of business, mercantile, or banking matters".

Justices of the Peace.

25 41. (1) Where any person charged with an indictable offence has been committed for trial under the Justices of the Peace Act, 1927, and, at any time before trial, desires to plead guilty to the offence, he shall sign a 30 request in the form set out in the Schedule hereto.

Person committed for trial may plead guilty before trial. Ibid., Vol. II, p. 351

(2) Such request shall be transmitted to the Registrar of the Court to which the person charged was committed for trial, and he shall, as soon as practicable, be brought before the Supreme Court, or some Judge thereof sitting 35 in open Court, to be dealt with according to the provisions of this section.

(3) If he is not in custody, notice shall be given to the accused of the time and place for attendance before such Court or Judge.

40 (4) On his attendance the accused shall be called on to plead either guilty or not guilty, but before pleading shall be entitled to have the information for the offence in respect of which he was committed for trial read over to him.

(5) If the accused pleads guilty to the offence any Judge of the Supreme Court before whom the accused is brought shall have the same powers of sentencing or otherwise dealing with the accused, and of finally disposing of the charge and of all incidental matters, as he would have had if the accused on arraignment at any criminal sessions of the Supreme Court had pleaded guilty to the offence on an indictment found by a Grand Jury. 5

(6) If the accused is sentenced to imprisonment, or to imprisonment with hard labour, the Judge of the Supreme Court by whom the accused has been so sentenced may issue a warrant of commitment under his hand in the form No. 44 in the First Schedule to the Justices of the Peace Act, 1927 (with the necessary modifications), directing that the accused shall be conveyed to some convenient prison, to be in such warrant named, and be there detained for such time as the warrant directs; and the sentence shall take effect from the date of the signing of such warrant. 10 15 20

(7) If the accused does not plead guilty as aforesaid, or if he does not attend in accordance with the notice given under subsection *three* of this section, or if it is not practicable for him to be dealt with by the Court under this section before the commencement of the sittings to which he was committed for trial, he shall be treated in all respects as if he had not made any request to plead guilty in accordance with this section, and no comment shall be made at his trial for the offence charged on the fact that such a request has been made, nor shall the request be admissible as evidence against him. 25 30

(8) Any recognizance entered into by any person in respect of the offence for which the accused was committed for trial shall be deemed to be vacated when the accused, after pleading guilty, has been sentenced or otherwise dealt with under this section. 35

Procedure on charge of offence against corporation.

Cf. 15 & 16 Geo. V, c. 86, s. 33

42. (1) Where a corporation is charged, whether alone or jointly with some other person, with an indictable offence, the examining Justices may, if they are of opinion that the evidence offered on the part of the prosecution is sufficient to put the accused corporation upon trial, make an order empowering the prosecutor to present to the Grand Jury a bill of 40

indictment in respect of the offence named in the order, and for the purpose of any enactments referring to committal for trial any such order shall be deemed to be a committal for trial:

5 Provided that—

(a) Where the offence is an offence which in the case of an adult may be dealt with summarily and the corporation does not appear before the examining Justices by a representative or, if it does so appear, consents that the offence should be so dealt with, the Justices may deal with the offence summarily; and

10 (b) If the corporation appears before the examining Justices by a representative, any answers to the questions to be put under section one hundred and fifty-one of the Justices of the Peace Act, 1927, may be made on behalf of the corporation by that representative, but if the corporation does not so appear it shall not be necessary to put the questions, and the examining Justices may, notwithstanding, make an order under this subsection.

15 (2) Where any person is charged jointly with a corporation with any offence, and either that person or the corporation by its representative does not consent that the offence (being an indictable offence) should be dealt with summarily, or either that person or the corporation claims (if the offence is a summary offence) to be tried by a jury, the examining Justices shall not have power to deal summarily with the offence in the case of the other offender.

20 (3) Where the Grand Jury returns a true bill against a corporation in respect of any offence the corporation may, on arraignment before the Supreme Court, enter in writing by its representative a plea of guilty or not guilty, and if the corporation either does not appear by a representative or, though it does so appear, fails to enter as aforesaid any plea, the Court shall order a plea of not guilty to be entered, and the trial shall proceed as though the corporation had duly entered a plea of not guilty.

35 (4) Provision may be made by rules under section three of the Judicature Amendment Act, 1930, with respect to the service on any corporation charged with an indictable offence of any documents requiring to be served in connection with the proceedings.

See Reprint
of Statutes,
Vol. II, p. 393

Ibid., p. 97

See Reprint
of Statutes,
Vol. II, p. 385

(5) Where a corporation is charged with an offence in the case of which an individual is entitled under section one hundred and twenty-four of the Justices of the Peace Act, 1927, to claim to be tried by a jury, a claim to be so tried may be made on behalf of the corporation by its representative, and the said section one hundred and twenty-four shall apply accordingly, and where the corporation does not appear by a representative or no such claim is made on behalf of the corporation the Court may, subject to the provisions of this section, deal with the case summarily as if the offence were an offence to which the said section did not apply. 5 10

(6) In this section the expression " representative " in relation to a corporation means a person duly appointed by the corporation to represent it for the purpose of doing any act or thing which the representative of a corporation is by this section authorized to do, but a person so appointed shall not, by virtue only of being so appointed, be qualified to act on behalf of the corporation before any Court for any other purpose. 15 20

(7) A representative for the purposes of this section need not be appointed under the seal of the corporation, and a statement in writing purporting to be signed by a managing director of the corporation, or by any person (by whatever name called) having, or being one of the persons having, the management of the affairs of the corporation to the effect that the person named in the statement has been appointed as the representative of the corporation for the purposes of this section shall be admissible without further proof as *prima facie* evidence that that person has been so appointed. 25 30

Land Transfer.

Discharge of mortgages where remedies thereunder are statute-barred. Ibid., Vol. VII, p. 1184

43. (1) Notwithstanding anything to the contrary in section sixty of the Land Transfer Act, 1915, on application made in a summary way to the Supreme Court by the registered proprietor of any estate or interest in land that is subject to a registered mortgage the Court, if it is satisfied that any action by the mortgagee for payment of the moneys secured by the mortgage would be barred by the provisions of any Statute of Limitation, and that but for the provisions of the said section sixty the remedies of the 35 40

mortgagee in respect of the mortgaged land would be likewise barred, may make an order directing the mortgage to be discharged, and upon the production of an office copy of the order the Registrar shall enter a
 5 memorandum thereof in the Register and on the outstanding instrument of title, and when the entry is made the mortgage shall be deemed to be discharged.

(2) Before making any order under this section the Court may direct such notice to be given by public
 10 advertisement or otherwise as it thinks fit, and may direct any person to be served with notice of the proceedings.

(3) By the same or another order the Court may order any person in possession of an instrument of title
 15 to the mortgaged property to deliver the title to the registered proprietor on payment of such charges as the Court may, in its discretion, fix in the order.

Licensing.

44. (1) The Governor-General may from time to time remove any person elected or appointed as a member of a Licensing Committee under the Licensing Act, 1908, and any person so removed shall not be qualified to be elected or to act as a member for such period, not less than three years, as the Governor-General
 20 shall direct.
 25

Disqualification of members of Licensing Committee.
 See Reprint of Statutes, Vol. IV, p. 234

(2) Where, after the passing of this Act, any person is convicted of an offence against the Licensing Act, 1908, he shall not, for a period of three years from such conviction, be qualified to be elected or to act as a
 30 member of a Licensing Committee.

(3) The Governor-General may from time to time remove or modify any disqualification imposed by this section.

(4) Where any person is disqualified under this
 35 section the provisions of subsection three of section forty-three of the Licensing Act, 1908, shall apply as if he had been disqualified under the said section forty-three.

(5) Section forty-nine of the Licensing Act, 1908, is
 40 hereby consequentially amended by repealing subsection two thereof.

Consequential repeal.

Local Authorities Empowering (Aviation Encouragement).

Extending definition of term "aviation authority".
See Reprint of Statutes, Vol. I, p. 431

45. The definition of the term "aviation authority" in section two of the Local Authorities Empowering (Aviation Encouragement) Act, 1929, is hereby extended to include any person or association of persons, whether corporate or unincorporate, having for the time being authority to establish or maintain an aerodrome. 5

By-laws to be approved by Minister of Defence.

46. No by-laws made after the passing of this Act under section six of the Local Authorities Empowering (Aviation Encouragement) Act, 1929, shall have any force or effect unless and until they are approved by the Minister of Defence. 10

Local Authorities (Members' Contracts).

No account to be taken of refund of deposit in assessing value of contract within which members of local authorities may contract without disqualification. 1934, No. 17

47. (1) In assessing under section three of the Local Authorities (Members' Contracts) Act, 1934, the amount of any payment made or to be made by or on behalf of a local authority in respect of any contract, no account shall be taken of any sum paid or to be paid as a refund of a deposit. 15 20

(2) This section shall be deemed to have come into force on the twenty-third day of October, nineteen hundred and thirty-four, being the date of the passing of the Local Authorities (Members' Contracts) Act, 1934. 25

Local Elections and Polls.

Voting by bodies corporate, &c., abolished.

See Reprint of Statutes, Vol V, p. 483

48. (1) Section thirteen of the Local Elections and Polls Amendment Act, 1926, is hereby repealed.

(2) Section fourteen of the Local Elections and Polls Amendment Act, 1926, is hereby consequentially amended by omitting from subsection one the words "and all authorities to vote under the last preceding section" and the words "or produced", and by omitting from subsection two the words "and authorities". 30

Magistrates' Courts.

As to joinder of plaintiffs in Magistrates' Court.

49. (1) All persons may be joined in one action as plaintiffs in whom any right to relief in respect of or arising out of the same transaction or event, or series of transactions or events, is alleged to exist whether jointly, severally, or in the alternative, where, if such persons brought separate actions, any common question of law or fact would arise: 35 40

Provided that if, upon the application of any defendant, it shall appear that such joinder may embarrass or delay the trial of the action, the Court may order separate trials, or make such other order as
 5 may be expedient, and judgment may be given for such one or more of the plaintiffs as may be found to be entitled to relief, for such relief as he or they may be entitled to, without any amendment; but the defendant, though unsuccessful, shall be entitled to his costs
 10 occasioned by so joining any person who shall not be found entitled to relief, unless the Court in disposing of the costs shall otherwise direct.

(2) This section is in substitution for section fifty-three of the Magistrates' Courts Act, 1928, and that
 15 section is hereby accordingly repealed.

50. (1) All persons may be joined as defendants against whom the right to any relief in respect of or arising out of the same transaction or event, or series of transactions or events, is alleged to exist, whether
 20 jointly, severally, or in the alternative.

(2) Judgment may be given against such one or more of the defendants as may be found to be liable according to their respective liabilities without any amendment.

(3) The Court may make such order as to costs as
 25 in the event shall appear to it to be just, and in particular may order an unsuccessful defendant or unsuccessful defendants to pay the costs of the successful defendant or defendants or, if the costs of the successful defendant or defendants are awarded
 30 against the plaintiff or plaintiffs, may order such costs to be paid by the unsuccessful defendant to the plaintiff or plaintiffs.

(4) Nothing in this section shall be deemed to limit or qualify any other power conferred on the Court to
 35 award costs.

(5) This section is in substitution for section fifty-four of the Magistrates' Courts Act, 1928, and that
 section is hereby accordingly repealed.

51. (1) Section one hundred and forty-one of the
 40 Magistrates' Courts Act, 1928, is hereby amended by omitting from the proviso to subsection one the words "to the credit of the judgment debtor", and substituting the words "pending an order by the Court as to its disposal".

Repeal.

See Reprint
 of Statutes,
 Vol. II, p. 113

As to joinder
 of defendants
 in Magistrates'
 Court.

Repeal.

Ibid., p. 113

Section 141
 of Magistrates'
 Courts Act,
 1928, amended.
 Ibid., p. 143

(2) This section shall come into force on the first day of February, nineteen hundred and thirty-seven.

52. (1) Where money is paid into Court by a sub-debtor pursuant to an order under section one hundred and forty-one of the Magistrates' Courts Act, 1928, such money shall not be paid out except pursuant to an order of the Court under this section.

(2) By an order made under section one hundred and forty-one of the Magistrates' Courts Act, 1928, it may be ordered that the sub-debtor shall appear before the Court, at a time to be specified in that behalf in the order, to show cause why he should not pay the judgment creditor the debt due from him to the judgment debtor, or so much thereof as may be sufficient to satisfy the judgment debt.

(3) A copy of every such order shall be served on the judgment debtor and on the sub-debtor at least seven clear days before the time so specified; and the copy served on the judgment debtor shall contain a notice calling on him to appear before the Court at the time specified in the order, to show cause why the moneys sought to be attached should not be paid to the judgment creditor:

Provided that the Court may dispense with such service on the judgment debtor in any case where he cannot be found, or is out of New Zealand, or for other sufficient cause.

(4) The provisions of sections ninety-four to ninety-eight of the Magistrates' Courts Act, 1928, shall, with the necessary modifications, apply as if proceedings taken under this section were an action.

(5) If the sub-debtor does not pay into Court the amount due from him to the judgment debtor, or so much thereof as may be sufficient to satisfy the judgment debt and costs, or does not appear and dispute the debt claimed to be due from him to the judgment debtor, the Court may, subject to the provisions of the next succeeding subsection, order execution to issue forthwith to levy the amount due from the sub-debtor towards satisfaction of the judgment debt.

(6) The Court may hear evidence as to the circumstances of the judgment debtor, and, if it appears that the whole or any part of the moneys sought to be attached are reasonably required by the judgment

See Reprint of Statutes, Vol. II, p. 127

Reprint of Statutes, Vol. II, p. 127

debtor for the maintenance and support of himself and his family, the Court may discharge the order made under section one hundred and forty-one of the Magistrates' Courts Act, 1928, or, subject to section one hundred and forty-seven of the Magistrates' Courts Act, 1928, may make such order as to the disposal of the moneys sought to be attached as it thinks fit.

(7) This section is in substitution for sections one hundred and forty-two, one hundred and forty-three, and one hundred and forty-five of the Magistrates' Courts Act, 1928, and those sections are hereby accordingly repealed. Repeals.

(8) This section shall come into force on the first day of February, nineteen hundred and thirty-seven. Commencement.

15 *Massey Agricultural College.*

53. (1) Subsection one of section four of the Massey Agricultural College Act, 1926, is hereby amended by repealing paragraph (d), and substituting the following new paragraph:—

20 “(d) One member to be appointed by resolution of the Palmerston North City Council.”

(2) The existing vacancy created in the membership of the Council of the Massey Agricultural College by the retirement of the member last appointed by resolution of the Board of Agriculture shall be filled by a member to be appointed by resolution of the Palmerston North City Council. Member of Massey Agricultural College to be appointed by resolution of Palmerston North City Council.
1926, No. 68

(3) The person so appointed shall hold office until the first day of January, nineteen hundred and thirty-nine, when he shall retire and his successor shall be appointed and hold office in accordance with the provisions of the Massey Agricultural College Act, 1926.

Mining.

54. (1) Section eighty-eight of the Mining Act, 1926, as amended by section five of the Mining Amendment Act, 1935, is hereby further amended by omitting from the first proviso to subsection one the words “one thousand acres”, and substituting the words “two thousand acres”. Section 88 of Mining Act, 1926 (as to dredging claims along stream or foreshore), amended.

40 (2) Section five of the Mining Amendment Act, 1935, is hereby repealed. See Reprint of Statutes, Vol. V, p. 984 1935, No. 28

Money-lenders.

Court may declare money-lending transactions legal in certain cases. 1933, No. 21

55. Notwithstanding the provisions of section seven or section eight of the Money-lenders Amendment Act, 1933, the Court, if it is satisfied that in the circumstances it would be inequitable that any money-lending transaction or contract for the repayment by a borrower of money lent to him to which either of those sections applies should be held illegal or unenforceable, as the case may be, may declare that such transaction is legal or that such contract is enforceable.

5
10*Mortgagors and Lessees Rehabilitation.*

Section 55 of Mortgagors and Lessees Rehabilitation Act, 1936, amended. 1936, No. 33

56. Section fifty-five of the Mortgagors and Lessees Rehabilitation Act, 1936, is hereby amended by inserting, in paragraph (e) of subsection three, after the word " Court ", the words " in its civil jurisdiction ".

15

Motor-Vehicles.

Police, traffic officers, and ambulance and fire-brigade drivers in certain circumstances exempted from speed-limit imposed by section 3 of Motor-vehicles Amendment Act, 1936. 1936, No. 18

57. It shall be a defence to any person charged with an offence under section three of the Motor-vehicles Amendment Act, 1936, if such person proves that he was at the time of the act in respect of which he is so charged the driver of a motor-vehicle—

20

- (a) Used as an ambulance, and being at the time used on urgent ambulance service; or
- (b) Conveying a police officer or traffic inspector engaged on urgent public business or in the execution of his duty; or
- (c) Used for a fire-brigade for attendance at fires and at the time responding to a call of fire.

25

Municipal Corporations.

Borough Councils may install, purchase, or sell electric fittings and equipment. 1933, No. 30

58. In the exercise of the powers conferred on it by section two hundred and eighty-seven of the Municipal Corporations Act, 1933, a Borough Council shall have and be deemed to have always had power—

30

- (a) To install motors, electric wires, electric lamps, and other fittings and equipment in public or private buildings, works, dwellings, and other places, and to charge rent for the use thereof, or to accept payment therefor by instalments or otherwise;

35

5 (b) To purchase motors, fittings, machinery, and other equipment for the use of electric energy as applied to individual, domestic, and other purposes, and to sell the same to users of electric power at such price as it thinks fit, either for cash or on terms, or lease, with or without purchasing clauses:

10 (c) Generally to do all things which, in its judgment, may promote the use of electric energy within the borough.

15 59. (1) Notwithstanding anything to the contrary in subsection eight of section three hundred and thirty-two of the Municipal Corporations Act, 1933, the consent of any registered proprietor or other person to any subdivision shall not be required under that subsection unless that registered proprietor or other person would be a necessary assenting party to any transfer, conveyance, or assurance free from encumbrances of any land shown on the plan of the subdivision as a reserve.

Section 332 of Municipal Corporations Act, 1933, amended. 1933, No. 30

20 (2) Every consent under the said subsection eight shall be either endorsed on the plan or deposited with the District Land Registrar or Registrar of Deeds.

25 (3) The said section three hundred and thirty-two of the Municipal Corporations Act, 1933, is hereby amended by adding to subsection ten the following:—

30 “ or,
 “(c) Any land which is shown as a separate section or block on a Crown grant or an instrument of disposition of Crown lands, or as a separate allotment on any certificate of title issued in lieu thereof, but which is included with other sections or blocks on the Crown grant or instrument of disposition, or with other allotments in the certificate of title, or is otherwise held as part of a continuous holding of land.”

35 60. (1) Where, at any time before the passing of this Act, the annual allowance payable under section twenty-eight of the Municipal Corporations Act, 1933, to the Mayor of any Borough has been reduced in order to conform with a general reduction in the rates of salaries and wages of employees of the Council of that Borough, the Council may increase the allowance from such date, during the term of office of the Mayor, as
 45 the Council thinks fit:

Authorizing restoration of reductions of annual allowances payable to Mayors. 1933, No. 30

Provided that the allowance payable after such increase has been made shall not exceed the amount that would have been payable if no reduction had been made as aforesaid.

(2) This section shall remain in force until the thirty-first day of March, nineteen hundred and thirty-eight, and shall then be deemed to be repealed.

Pharmacy.

Limitation as to enrolment of managers under Pharmacy Act, 1908. See Reprint of Statutes, Vol. V, p. 707

61. (1) Notwithstanding the provisions of the Pharmacy Act, 1908, no application for the enrolment of a proprietor's manager shall be granted by the Pharmacy Board of New Zealand under section thirty-two of that Act unless—

- (a) The Governor-General by Order in Council consents to the granting of the application; or
- (b) The Board is satisfied that the manager is to replace a manager already duly enrolled on the passing of this Act; or
- (c) The manager is to conduct a business on behalf of the legal representatives of a deceased chemist under the provisions of section thirty-four of the said Act.

(2) This section shall continue in force until the first day of November, nineteen hundred and thirty-seven, and shall then be deemed to be repealed.

Poultry-runs Registration.

Powers of New Zealand Poultry Board to borrow. 1933, No. 20

62. (1) The New Zealand Poultry Board, established under the Poultry-runs Registration Act, 1933, shall have power for the purposes of its business to borrow moneys by way of bank overdraft or otherwise howsoever and to give as security therefor debentures, debenture stock, mortgages, or other securities charged on any or all of the assets of the Board:

Provided that the total amount outstanding in respect of money borrowed under this section shall not at any time exceed *five hundred* pounds.

(2) The action of the Board before the passing of this Act in borrowing moneys by way of overdraft from the Bank of New Zealand at Wellington and the action of the bank in so lending to the Board are hereby validated.

Property Law.

63. For the purposes of subsection two of section twenty-four of the Property Law Act, 1908, a person shall be deemed to be the child or the grandchild, as the case may be, of a testator notwithstanding that he is only related to him illegitimately.

Section 24 of Property Law Act extended. See Reprint of Statutes, Vol. VII, p. 1084

Public Reserves, Domains, and National Parks.

64. Section fifty-two of the Public Reserves, Domains, and National Parks Act, 1928, is hereby amended by inserting at the beginning of paragraph (b) of subsection one thereof the words " With the prior consent of the Minister "; and by omitting from the same paragraph the word " may ".

Section 52 of Public Reserves, Domains, and National Parks Act, 1928, amended. Ibid., Vol. VI, p. 1153

Rating.

65. (1) The term " school " as used in paragraph (g) of the definition of the expression " rateable property " in section two of the Rating Act, 1925, is hereby extended to include any school, college, or like institution established for the instruction and training of students in theology and subjects generally associated therewith.

Modification of definition of term " rateable property " for purposes of Rating Act, 1925.

(2) For the purposes of paragraph (j) of the definition of the said expression " rateable property ", an institution established for the maintenance or relief of orphans, or of the aged, infirm, sick, or needy, shall be deemed to be carried on for the free maintenance or relief of such persons if the following conditions are satisfied:—

Ibid., Vol. VII, p. 979

- (a) If inmates are admitted irrespective of their ability to pay for maintenance or relief;
- (b) If no charge for maintenance or relief is usually made; and
- (c) If no charge is made in any case where payment of the charge would involve any hardship upon the inmate or upon any other person.

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Reformatory Institutions.

66. (1) The managers or superintendent of any Inebriates Home may, on the recommendation of the medical officer, permit any inmate to be absent from the institution for the purpose of receiving medical or dental treatment for any specified period, not exceeding five days at any one time, and may, with the consent of the Minister, permit any inmate to be absent from

Provision for temporary absence of inmate of Inebriates Home for medical treatment, &c.

the institution for any other purpose for such period as the Minister thinks fit.

(2) In this section the expression "Inebriates Home" means an Inebriates Home as defined by section two of the Reformatory Institutions Amendment Act, 1932-33.

1932, No. 38

Section 19 of Reformatory Institutions Act, 1909, amended.

See Reprint of Statutes, Vol. VIII, p. 11

Section 23 of Reformatory Institutions Act, 1909, amended.

Ibid., p. 12

In absence of member, temporary member of Council of Scientific and Industrial Research may be appointed. Ibid., p. 174

Power of Department of Scientific and Industrial Research to acquire land. Ibid., p. 174

Ibid., Vol. VII, p. 622

67. Section nineteen of the Reformatory Institutions Act, 1909, is hereby amended by omitting from subsection two the words "by virtue of an order made under", and substituting the words "pursuant to".

68. Section twenty-three of the Reformatory Institutions Act, 1909, is hereby amended by inserting in subsection four, after the words "For the purposes of", the words "subsection three of".

Scientific and Industrial Research.

69. Section six of the Scientific and Industrial Research Act, 1926, as amended by section two of the Scientific and Industrial Research Amendment Act, 1931, is hereby further amended by adding the following subsections:—

"(3) If any member of the Council is absent from New Zealand, or for other sufficient reason is not able to act in his capacity as a member, the Minister may appoint a suitable person in his stead to hold office as a temporary member of the Council for such term, not exceeding the unexpired period of the term of office of the member so unable to act, as the Minister directs.

"(4) All the provisions of this Act shall apply to such temporary member in all respects as if he were a duly appointed member of the Council, but while such temporary member remains in office no allowance or travelling-expenses under section nine hereof shall be payable to the member in whose stead the temporary member was appointed."

70. (1) This section shall be read together with and deemed part of the Scientific and Industrial Research Act, 1926.

(2) The Minister, for and on behalf of His Majesty the King, may purchase, lease, or otherwise acquire any land required for the purposes of the Department.

(3) Any land required for such purposes may be taken under the provisions of the Public Works Act, 1928, as for a public work.

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Small Farms (Relief of Unemployment).

71. Subsections two and three of section eight of the Small Farms (Relief of Unemployment) Amendment Act, 1933, are hereby extended to apply with respect to the acquisition of leasehold interests in land in the same way and to the same extent as they apply with respect to the acquisition of land in fee-simple.

Removing restrictions on acquisition of leasehold estates by land settlement societies.
1933, No. 44

Stock-remedies.

72. This section and the next three succeeding sections of this Act shall be read together with and deemed part of the Stock-remedies Act, 1934 (hereinafter in those sections referred to as the principal Act).

This section and next three sections to form part of Stock-remedies Act, 1934.
1934, No. 5

73. Notwithstanding anything contained in section six of the principal Act, or in any certificate of registration issued under that section, the period in respect of which a stock-remedy is registered shall, if it is registered before the thirtieth day of September, nineteen hundred and thirty-nine, expire on that date, and if it is registered or re-registered after that date shall expire on the corresponding day in every third year after that date.

As to expiration of certificates of registration issued under principal Act.

74. For the purposes of paragraph (a) of section seven of the principal Act, the publication in the *Gazette* by or on behalf of the Board of a notice in respect of any stock-remedy registered under the principal Act containing the following matters, namely:—

Publication in *Gazette* of certain matters deemed notification of registration of stock-remedy.

(a) The name of the stock-remedy;

(b) The name and address of the proprietor of the stock-remedy; and

(c) The period for which the stock-remedy is registered,—

shall be deemed to be a notification to any vendor other than the proprietor that the stock-remedy has been registered on the application of the proprietor.

75. Any Inspector of Stock appointed under the Stock Act, 1908, shall, without further authority than this section, be deemed to be an Inspector appointed under section five of the principal Act.

Inspectors under Stock Act, 1908, deemed Inspectors under principal Act.
See Reprint of Statutes, Vol. I, p. 311

Town Boards.

Annual allowance to Chairman of Town Board. See Reprint of Statutes, Vol. V, p. 333

76. The Chairman for the time being of any Town Board established under the Town Boards Act, 1908, may be paid out of the funds of the Board such annual allowance, not exceeding *fifty* pounds, as the Board from time to time fixes, but no alteration in the amount of such allowance shall take effect during the term of office of any such Chairman. 5

Trade-unions.

Section 6 of Trade-unions Act, 1908, amended. Ibid., Vol. VIII, p. 737

77. (1) Section six of the Trade-unions Act, 1908, is hereby amended by inserting, after the words " shall not apply to any trade-union ", the words " registered under this Act "; and by inserting, after the words " the registration of any ", the word " such ". 10

(2) The validity of the registration before the passing of this Act of any company or society under any of the Acts specified in the said section six shall not hereafter be questioned on the ground that such company or society is or was a trade-union unless on the date of its registration under any of the said Acts it was a registered trade-union. 15 20

Grounds on which Registrar may cancel certificate of registration of defunct trade-union.

78. Section twenty of the Trade-unions Act, 1908, is hereby amended by inserting, after subsection one, the following subsection:—

" (1A) If a trade-union makes default in forwarding to the Registrar the annual returns required by section twenty-eight hereof, the Registrar may send by post to the last known officers of the union a letter inquiring whether the union is in existence, and, if within two months of sending the letter, the Registrar does not receive any answer thereto, or receives an answer to the effect that the union is defunct, the union shall for the purposes of the last preceding subsection be deemed to have ceased to exist, and the Registrar may, subject to the provisions of the next succeeding subsection, cancel the certificate of registration thereof." 25 30 35

Transport Licensing.

Amending definitions of terms " goods-service " and " passenger-service ". Ibid., p. 832

79. Section two of the Transport Licensing Act, 1931, is hereby amended as follows:—

(a) By omitting from the definition of the term " goods-service " in subsection one the words " any service by motor-vehicle for "; and by inserting in the same definition, after the words " hire or reward ", the words " by means of a motor-vehicle ": 40 45

(b) By omitting from the definition of the term "passenger-service" in the same subsection the words "a service for".

Trustee.

- 5 **80.** This section and the *next two succeeding* sections shall be read together with and deemed part of the Trustee Act, 1908 (hereinafter in those sections referred to as the principal Act). This section and next two sections to form part of Trustee Act, 1908.
- 10 **81.** (1) Where in the management or administration of any property vested in trustees, any sale, lease, mortgage, surrender, release, or other disposition, or any purchase, investment, acquisition, expenditure, or other transaction, is in the opinion of the Court expedient, but the same cannot be effected by reason See Reprint of Statutes, Vol. VIII, p. 873
- 15 of the absence of any power for that purpose vested in the trustees by the trust instrument (if any) or by law, the Court may by order confer upon the trustees, either generally or in any particular instance, the necessary power for the purpose, on such terms, and Power of Court to authorize dealings with trust property.
- 20 subject to such provisions and conditions (if any) as the Court may think fit, and may direct in what manner any money authorized to be expended, and the costs of any transaction, are to be paid or borne as between capital and income. Cf. s. 57 of Trustee Act, 1925 (Imp.), (15 Geo. V, c. 19)
- 25 (2) The Court may from time to time rescind or vary any order made under this section, and may make any new or further order.
- 30 (3) An application to the Court under this section may be made by the trustees, or by any of them, or by any person beneficially interested under the trust.
- (4) This section does not apply to trustees of a settlement for the purposes of the Settled Land Act, 1908. Ibid., p. 200
- 35 **82.** (1) Where a personal representative or trustee liable as such for— Protection against liability in respect of rents and covenants.
- (a) Any rent, covenant, or agreement reserved by or contained in any lease; or
- (b) Any rent, covenant, or agreement payable under or contained in any grant made in consideration Cf. s. 26 of Trustee Act, 1925 (Imp.), (15 Geo. V, c. 19)
- 40 of a rent-charge; or

(c) Any indemnity given in respect of any rent, covenant, or agreement referred to in either of the foregoing paragraphs,—
 satisfies all liabilities under the lease or grant which may have accrued and been claimed up to the date of the conveyance hereinafter mentioned, and, where necessary, sets apart a sufficient fund to answer any future claim that may be made in respect of any fixed and ascertained sum which the lessee or grantee agreed to lay out on the property demised or granted, although the period for laying out the same may not have arrived, then and in any such case the personal representative or trustee may convey the property demised or granted to a purchaser, legatee, devisee, or other person entitled to call for a conveyance thereof, and thereafter—

(d) He may distribute the residuary real and personal estate of the deceased testator or intestate, or, as the case may be, the trust estate (other than the fund, if any, set apart as aforesaid), to or among the persons entitled thereto, without appropriating any part, or any further part, as the case may be, of the estate of the deceased or of the trust estate to meet any future liability under the said lease or grant:

(e) Notwithstanding such distribution, he shall not be personally liable in respect of any subsequent claim under the said lease or grant.

(2) This section operates without prejudice to the right of the lessor or grantor, or the persons deriving title under the lessor or grantor, to follow the assets of the deceased or the trust property into the hands of the persons amongst whom the same may have been respectively distributed, and applies notwithstanding anything to the contrary in the will or other instrument (if any) creating the trust.

(3) In this section “lease” includes an underlease and an agreement for a lease or underlease and any instrument giving any such indemnity as aforesaid or varying the liabilities under the lease; “grant” applies to a grant whether the rent is created by limitation, grant, reservation, or otherwise, and includes an agreement for a grant and any instrument giving any such indemnity as aforesaid or varying the liabilities under the grant;

and "lessee" and "grantee" include persons respectively deriving title under them.

(4) This section is in substitution for section ninety-nine of the principal Act and section sixty-six of the Public Trust Office Amendment Act, 1921-22, and those sections are hereby accordingly repealed.

Repeals.
See Reprint
of Statutes,
Vol. VIII,
pp. 911, 1014

SCHEDULE.

Schedule.

REQUEST BY ACCUSED PERSON TO BE BROUGHT BEFORE THE SUPREME COURT FOR SENTENCE.

I [*Full name*], having been committed to the Supreme Court at _____ for trial upon a charge of _____, now being desirous, of my own free will, of pleading guilty to the said charge, hereby request that I be brought before the Supreme Court as soon as practicable in order that I may then plead guilty to the said charge and be sentenced accordingly.

My full address [*If not in custody*] is _____.

[*Signature*].

The above was signed before me, a Justice of the Peace for New Zealand, after having been read over by me to the accused person this _____ day of _____, 19____, at _____.

Justice of the Peace.