

*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,  
13th September, 1938.*

*Hon. Mr. Mason.*

## STATUTES AMENDMENT.

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| <p style="text-align: center;"><i>Fair Rents.</i></p> <p>16. Duration of Fair Rents Act, 1936, extended. Consequential repeal.</p> <p>17. Landlord entitled to access to execute repairs.</p> <p style="text-align: center;"><i>Government Railways.</i></p> <p>18. Extending provisions as to superannuation rights and rights of reappointment of certain persons associated with Railway Service.</p> <p>19. Section 14 of Government Railways Amendment Act, 1936, amended.</p> <p style="text-align: center;"><i>Hospitals and Charitable Institutions.</i></p> <p>20. Travelling-allowances to members of committees of management.</p> <p>21. Hospital Boards authorized to make payments to servants undergoing special training.</p> <p style="text-align: center;"><i>Justices of the Peace.</i></p> <p>22. Stay of proceedings in respect of indictable offences.</p> <p style="text-align: center;"><i>Land.</i></p> <p>23. Forms of deferred payment licenses need not be prescribed by regulations.</p> <p>24. Application of section 216 of Land Act, 1924, extended.</p> <p style="text-align: center;"><i>Law Practitioners.</i></p> <p>25. This section and next five sections to form part of Law Practitioners Act, 1931.</p> <p>26. Maximum number of members of Disciplinary Committee increased.</p> <p>27. Disciplinary Committee may sanction employment by solicitor of person struck off roll or suspended from practice.</p> <p>28. Right to appeal against taxation of costs.</p> <p>29. Barrister or solicitor acting without certificate liable to a fine. Repeals.</p> <p>30. Sections 5 and 13 of principal Act amended.</p> <p style="text-align: center;"><i>Licensing.</i></p> <p>31. As to date of election of Licensing Committees. Repeals.</p> <p style="text-align: center;"><i>Life Insurance.</i></p> <p>32. Section 8 of Life Insurance Act, 1908, amended. Repeal. Consequential amendments.</p> | <p style="text-align: center;"><i>Magistrates' Courts.</i></p> <p>33. This section and next three sections to form part of Magistrates' Courts Act, 1928.</p> <p>34. Assignment of debt not to alter proper Court for lodging plaint.</p> <p>35. Sections 164 and 167 of principal Act (as to appeals) amended.</p> <p>36. Stay of proceedings on appeal. Repeal.</p> <p style="text-align: center;"><i>Mining.</i></p> <p>37. Section 106 of Mining Act, 1926 (as to mineral licenses), extended and amended.</p> <p style="text-align: center;"><i>Motor-vehicles Insurance (Third-party Risks).</i></p> <p>38. Insurance to include indemnity against claims for contribution.</p> <p style="text-align: center;"><i>New Zealand Institute of Architects.</i></p> <p>39. Former members of Institute may be re-registered as members.</p> <p style="text-align: center;"><i>Opticians.</i></p> <p>40. Providing for additional member of Opticians Board.</p> <p style="text-align: center;"><i>Pharmacy.</i></p> <p>41. Pharmaceutical chemists may serve apprenticeship in approved private hospitals.</p> <p style="text-align: center;"><i>Physical Welfare and Recreation.</i></p> <p>42. Increasing membership of National Council of Physical Welfare and Recreation.</p> <p style="text-align: center;"><i>Police Force.</i></p> <p>43. Appointment of women police.</p> <p style="text-align: center;"><i>Police Offences.</i></p> <p>44. Imitation, &amp;c., of bank-notes.</p> <p style="text-align: center;"><i>Post and Telegraph.</i></p> <p>45. Section 5 of Post and Telegraph Amendment Act, 1936, amended.</p> <p style="text-align: center;"><i>Public Reserves, Domains, and National Parks.</i></p> <p>46. This section and next four sections to form part of Public Reserves, Domains, and National Parks Act, 1928.</p> |
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47. Section 21 of principal Act amended. Repeal.	55. Accrued interest on debentures or stock sold or purchased.
48. Extending power to lease recreation reserves.	56. Section 113 of principal Act applied to trusts created before 2nd November, 1901.
49. As to publication of by-laws made by Domain Boards.	
50. Trustees of public reserves and members of Boards may enter into contracts of service with trustees or Boards. Repeal.	
<i>Rabbit Nuisance.</i>	<i>Victoria University College.</i>
51. Rabbit Board in receipt of subsidy may expend moneys in destruction of rabbits on private land.	57. This section and next two sections to form part of Victoria University College Act, 1933.
<i>Rating.</i>	58. Appointment of additional member of Council to represent students.
52. Authorizing remission of additional charge of 10 per cent. on unpaid rates.	59. By-laws of Council need not be approved by Governor-General.
<i>Scenery Preservation.</i>	<i>Workers' Compensation.</i>
53. Lands in State forests may be set aside as scenic reserves.	60. Weekly payments of compensation under the Workers' Compensation Act, 1922, not to be discontinued except in accordance with this section. Repeal. Certificates already given by medical committees not to be conclusive.
<i>Trustee.</i>	
54. This section and next two sections to form part of Trustee Act, 1908.	

A BILL INTITULED

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

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

1. This Act may be cited as the Statutes Amendment Act, 1938. Short Title.

*Auckland University College.*

10 2. (1) This section shall be read together with and deemed part of the Auckland University College Act, 1882. Chairman of Professorial Board when no Principal in office.

15 (2) Whenever there is no Principal in office the Professorial Board may at its first meeting held after such office becomes vacant, and at its annual meeting each year, elect one of its members, being a professor, to be the Chairman; and if it fails to do so the Council may appoint a professor to be the Chairman. 1882, No. 3 (Local)

(3) The Chairman, not being the Principal, shall hold office until the appointment of a Principal, or until the election or appointment of his successor under this section, whichever happens first, and shall be eligible for re-election or reappointment.

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(4) This section shall be deemed to have come into force on the twentieth day of August, nineteen hundred and twenty-three, being the date of the passing of the Auckland University College Amendment Act, 1923.

1923, No. 8

*Canterbury Agricultural College.*

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Varying provisions as to election of Board of Governors of the Canterbury Agricultural College.

1930, No. 31

3. Where at the time of the closing of the roll of electors prepared for the purposes of any election under paragraph (c) of subsection two of section six of the Canterbury Agricultural College Act, 1930, there are, by reason of a dissolution of the General Assembly, no members of the House of Representatives in office, the persons who were in office as members of the House immediately before the dissolution shall be deemed for the purposes of the said election to have remained in office.

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*Canterbury University College.*

By-laws of Canterbury University College Council need not be approved by Governor-General.

1933, No. 27

4. Section twenty of the Canterbury University College Act, 1933, is hereby amended by repealing the proviso thereto.

*Cemeteries.*

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5. Section two of the Cemeteries Amendment Act, 1912, is hereby amended by omitting the words "wherein the body of any deceased person has been buried prior to the commencement of this Act".

Removal of restriction on the establishment of private burial-grounds.

See Reprint of Statutes, Vol. I, p. 754

County Councils may insure members against personal accident while engaged in duties.

*Counties.*

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

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7. Without limiting the general power to make by-laws conferred on a County Council by section one hundred and eight of the Counties Act, 1920, it is hereby declared that a Council may make by-laws for the purpose of regulating or controlling the construction, maintenance, or repair of dams so as to prevent damage or injury to property.

County Councils may make by-laws relating to construction of dams. See Reprint of Statutes, Vol. V, p. 217

*Destitute Persons.*

8. Any Magistrate may at any time, on the application of any person, made *ex parte* or otherwise, revoke or vary any order of guardianship made under section eighteen of the Destitute Persons Act, 1910.

Guardianship order under Destitute Persons Act, 1910, may be revoked or varied.

*Electric-power Boards.*

9. This section and the next four succeeding sections shall be read together with and deemed part of the Electric-power Boards Act, 1925 (hereinafter in those sections referred to as the principal Act).

Ibid., Vol. II, p. 907

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

10. Section fifty-one of the principal Act is hereby amended by omitting from subsection three the words "within the electric-power district", and substituting the words "within or beyond the electric-power district".

Ibid., Vol. III, p. 4

Establishment of polling-places outside electric-power districts.

11. Section seventy-six of the principal Act is hereby amended by omitting from subsection two the words "of the local authority of any constituent district", and substituting the words "of any local authority".

Section 76 of principal Act (as to purchase of electric works) amended.

12. (1) Any authority given to a Board under section seventy-six of the principal Act to purchase any electric works the property of a local authority may include authority to purchase any securities belonging to the Depreciation Fund established by the local authority in relation to those electric works, and upon such authority being given the local authority, notwithstanding anything to the contrary in any Act, shall have power to sell any such securities to the Board and to receive the purchase price therefor, subject to such conditions (if any) as may be imposed by the Governor-General in Council.

Purchase of depreciation-fund investments with electric works.

(2) All securities purchased by any Board under this section shall be transferred by the Depreciation Fund Commissioners of the local authority to the

See Reprint  
of Statutes,  
Vol. III,  
p. 62

Depreciation Fund Commissioners appointed by the Board under section twenty-one of the Electric-power Boards Amendment Act, 1927, and shall thereafter form part of the Depreciation Fund administered by them.

(3) Any sale and purchase of securities made before the passing of this Act that by virtue of this section would have been valid and lawful if the purchase had been made after the passing of this Act and had been authorized by the Governor-General in Council shall be deemed to have been validly made, and any securities so purchased shall be deemed to have been purchased under this section.

(4) For the purposes of this section the term "securities" includes moneys and investments of money.

Authorizing  
Electric-power  
Boards to  
raise certain  
loans.  
Ibid., Vol. V,  
p. 360

**13.** Any Electric-power Board may from time to time borrow moneys by way of special loan under the Local Bodies' Loans Act, 1926, by special order, and without taking the steps prescribed by sections nine to thirteen of that Act, for all or any of the following purposes:—

- (a) Making advances to the owners of any premises for the purpose of enabling them to do all things necessary to connect their premises with the Board's electric works, or for the purpose of assisting them to purchase motors, fittings, machinery, and other equipment for the use of electric energy in their premises:
- (b) Installing motors, electric wires, electric lamps, and other fittings and equipment in exercise of the powers conferred on the Board by section one hundred and eighteen of the principal Act:
- (c) Purchasing motors, fittings, machinery, and other equipment for sale or lease in exercise of the powers conferred on the Board by section one hundred and twenty of the principal Act:
- (d) Acquiring land and erecting dwellings in exercise of the powers conferred on the Board by paragraphs (a) and (b) of subsection one of section one hundred and twenty-two of the principal Act.

*Electric-power Boards and Supply Authorities Association.*

14. (1) This section shall be read together with and deemed part of the Electric-power Boards and Supply Authorities Association Act, 1930 (hereinafter in this section referred to as the principal Act).

(2) The President of the Electric-power Boards and Supply Authorities Association of New Zealand established under the principal Act (hereinafter in this section referred to as the Association) may be paid out of the funds of the Association such annual allowance, not exceeding *two hundred* pounds, as may from time to time be fixed by the Association, but no alteration in the amount of the allowance shall take effect during the term of office of any President. The receipt of an allowance under this section shall not constitute a disqualification from election or a cause of forfeiture of office as a member of any Board or Supply Authority.

(3) For the purposes of this section a person re-elected as President shall be deemed to be a new President.

(4) This section shall be deemed to have come into force on the *first* day of *June*, nineteen hundred and thirty-*six*.

*Factories.*

15. Section fourteen of the Factories Amendment Act, 1936, is hereby amended by repealing subsections two and three, and substituting the following subsections:—

“(2) Payment of wages for the said holidays shall be made to all persons who have been employed in the factory at any time during the fortnight ending on the day on which the holiday occurs.

“(3) Where any person has been employed in a factory by more than one person during the fortnight ending on the day on which any of those holidays occurs he shall be entitled to receive payment for the holiday from such one or more of those employers, and if more than one in such proportions as the Inspector determines.

Remuneration of President of Electric-power Boards and Supply Authorities Association of New Zealand. See Reprint of Statutes, Vol. III, p. 67

Persons in factories entitled to payment of wages for holidays. 1936, No. 7

“(3A) The employment of a casual worker merely for the purpose of baking, or preparing for baking, any article of food required for sale for human consumption to meet a public demand resulting from the observance of any of the said holidays shall not for the purposes of the *two last preceding* subsections be deemed to be employment in a factory.” 5

*Fair Rents.*

Duration of Fair Rents Act, 1936, extended. 1936, No. 14

Consequential repeal. 1937, No. 2

Landlord entitled to access to execute repairs. Cf. 10 & 11 Geo. V, c. 17, s. 16 (2) (Imp.)

16. (1) The Fair Rents Act, 1936, shall continue in force until the thirtieth day of September, nineteen hundred and thirty-nine, and shall then be deemed to be repealed. 10

(2) Section two of the Fair Rents Amendment Act, 1937, is hereby repealed.

17. It shall be deemed to be a condition of the tenancy of any dwellinghouse to which the Fair Rents Act, 1936, applies that the tenant shall afford to the landlord access thereto and all reasonable facilities for executing therein any repairs which the landlord is entitled to execute. 15 20

*Government Railways.*

Extending provisions as to superannuation rights and rights of reappointment of certain persons associated with Railway Service.

See Reprint of Statutes, Vol. VII, pp. 869, 881

Section 14 of Government Railways Amendment Act, 1936, amended. 1936, No. 2

18. (1) Section one hundred and eighteen of the Government Railways Act, 1926, is hereby amended by inserting in subsection one, after the words “general secretary”, the words “or assistant general secretary”. 25

(2) Section fourteen of the Government Railways Amendment Act, 1927, is hereby amended by inserting in subsection one, after the words “general secretary”, the words “or assistant general secretary”.

19. Subsection two of section fourteen of the Government Railways Amendment Act, 1936, is hereby amended by repealing paragraph (c), and substituting the following new paragraph:— 30

“(c) One person, to be the Chairman of the tribunal, who (not being a person concerned or interested in the subject-matter of the inquiry) shall be agreed upon by the Minister and the organization or organizations concerned as aforesaid, or, in default of agreement, shall be selected by the Minister.” 35 40



*Hospitals and Charitable Institutions.*

20. (1) The provisions of section thirty-five of the Hospitals and Charitable Institutions Act, 1926, shall, with the necessary modifications, extend to authorize the payment by a Hospital Board of travelling-allowances to any member of a committee established under section seventy-eight of that Act, or to any member of the local committee of management referred to in the Fifth Schedule thereto, notwithstanding that he may not be a member of the Board.

Travelling-allowances to members of committees of management. See Reprint of Statutes, Vol. III, p. 739

(2) Any payment made by a Board before the passing of this Act that by virtue of this section would have been valid and lawful if it had been made after the passing of this Act shall be deemed to have been validly and lawfully made.

21. Section eighty-five of the Hospitals and Charitable Institutions Act, 1926, as amended by section four of the Hospitals and Charitable Institutions Amendment Act, 1936, is hereby further amended by adding the following paragraph:—

Hospital Boards authorized to make payments to servants undergoing special training.

Ibid., p. 761  
1936, No. 50

“(n) Payment of salaries, grants, or travelling-expenses to any servant of the Board while undergoing a special course of study or training, whether in New Zealand or elsewhere, that in the opinion of the Board will render him better fitted to carry out his duties for the Board:

“ Provided that, where such special course of study or training involves the absence of the servant from his employment with the Board for a period in excess of four months, any payment in respect of such excess period shall be subject to the prior approval of the Minister.”

35 *Justices of the Peace.*

22. (1) This section shall be read together with and deemed part of the Justices of the Peace Act, 1927.

(2) The Attorney-General may at any time after a person has been charged with an indictable offence, and before that person has been committed to the Supreme Court for trial or for sentence, direct that an entry be made in the Criminal Record Book that the

Stay of proceedings in respect of indictable offences.

Cf. 1908, No. 32, s. 435

See Reprint of Statutes, Vol. II, pp. 324, 351

proceedings are stayed by his direction, and, on such entry being made, the proceedings shall be stayed accordingly.

(3) The Attorney-General may delegate such power in any Court presided over by Justices to any counsel 5 nominated by him.

*Land.*

**23.** (1) Subparagraph (iii) of paragraph (f) of section seventy-seven of the Land Act, 1924, is hereby amended as follows:— 10

(a) By omitting the words “shall be in the prescribed form, and”:

(b) By omitting the words “as may be prescribed”, and substituting the words “as may be approved by the Board”. 15

(2) Paragraph (i) of subsection one of section three and paragraph (j) of subsection one of section six of the Land Laws Amendment Act, 1926, are both hereby amended as follows:—

(a) By omitting the words “shall be in the prescribed form, and”:

(b) By omitting the words “as may be prescribed”, and substituting the words “as may be approved by the Board”.

**24.** (1) Section two hundred and sixteen of the Land Act, 1924, is hereby extended so as to apply in respect of rural land selected for occupation with right of purchase and held under a license granted under section one hundred and fifty-two of the Land Act, 1892, whether or not the term of the license has been extended under the authority of section six of the Land Laws Amendment Act, 1935, or the corresponding provisions of any former Land Act. 20 25 30

(2) Every application made for the revaluation of any land referred to in the *last preceding* subsection shall be submitted to the Board constituted under section thirteen of the Land Laws Amendment Act, 1927, and the Board shall deal with the same in all respects as if it were an application to which that section relates, and all the provisions of subsection seven of that section shall, with the necessary modifications, apply in respect of such application accordingly. 35 40

Forms of deferred payment licenses need not be prescribed by regulations. See Reprint of Statutes, Vol. IV, p. 658

Ibid., pp. 819, 822

Application of section 216 of Land Act, 1924, extended. Ibid., p. 723 1892, No. 37

1935, No. 25

See Reprint of Statutes, Vol. IV, p. 830

*Law Practitioners.*

25. This section and the *next five succeeding* sections shall be read together with and deemed part of the Law Practitioners Act, 1931 (hereinafter in 5 those sections referred to as the principal Act).
26. Section two of the Law Practitioners Amendment Act, 1935, is hereby amended by omitting from subsection two the word "seven", and substituting the word "eight".
- 10 27. (1) Section eighteen of the principal Act is hereby amended by inserting in paragraph (b), after the word "thereof", the words "or of the Disciplinary Committee of the New Zealand Law Society".
- (2) Section nineteen of the principal Act is hereby 15 amended by inserting in paragraph (b), after the word "thereof", the words "or of the Disciplinary Committee of the New Zealand Law Society".
28. Section thirty-seven of the principal Act is hereby amended by inserting, after subsection two, the 20 following subsection:—
- "(2A) If either party is dissatisfied with the decision of the Registrar or Magistrate as to the amount of the bill of costs or as to the costs of the reference, he may, within fourteen days after the Registrar or Magistrate 25 has made the decision, apply to a Judge to review the decision, and thereupon the Judge may make such order varying the decision of the Registrar or Magistrate as may be considered fair and reasonable."
29. (1) Every barrister who acts as such in 30 contravention of the provisions of subsection one of section forty-one of the principal Act commits an offence and is liable on summary conviction to a fine of *fifty* pounds.
- (2) Every solicitor who acts as such in contravention 35 of the provisions of subsection one of section forty-two of the principal Act commits an offence and is liable on summary conviction to a fine of *fifty* pounds.
- (3) No information in respect of any offence under this section shall be laid except by the President or the 40 Secretary of a District Law Society.

This section and next five sections to form part of Law Practitioners Act, 1931.

See Reprint of Statutes, Vol. IV, p. 1060

Maximum number of members of Disciplinary Committee increased. 1935, No. 20

Disciplinary Committee may sanction employment by solicitor of person struck off roll or suspended from practice.

Right to appeal against taxation of costs.

Barrister or solicitor acting without certificate liable to a fine.

(4) In any proceedings in respect of an offence under this section the following shall, until the contrary is proved, be sufficient evidence that an offence has been committed, namely:—

(a) A certificate signed by any Registrar whose office is in the district within which the offence is alleged to have been committed to the effect that the defendant was not at the time of the alleged offence the holder of a certificate issued under section forty-three of the principal Act certifying that the defendant was enrolled as a barrister or solicitor, as the case may be; and

(b) A certificate signed by the President of the District Law Society for that district to the effect that the defendant was at the time of the alleged offence acting as a barrister or solicitor, or holding himself out as a barrister or solicitor, as the case may be.

Repeals.

(5) This section is in substitution for subsection two of section forty-one and subsection two of section forty-two of the principal Act, and those subsections are hereby accordingly repealed.

Sections 5 and 13 of principal Act amended.

30. (1) Section five of the principal Act is hereby amended by omitting from the proviso to subsection two the words “in the opinion of the Minister of Education”.

(2) Section thirteen of the principal Act is hereby amended by omitting from the proviso to subsection two the words “in the opinion of the Minister of Education”.

#### *Licensing.*

As to date of election of Licensing Committees. See Reprint of Statutes, Vol. IV, p. 251

31. (1) Section forty-four of the Licensing Act, 1908, is hereby amended by omitting from subsection one the words “on the second Tuesday in March, one thousand nine hundred and nine, and on the same day in every third year thereafter”, and substituting the words “on the second Tuesday in March next following every licensing poll”.

Repeals. Ibid., pp. 251, 379 1934, No. 16

(2) The Licensing Poll Postponement Act, 1931, section fifty-one of the Finance Act, 1931 (No. 4), and subsection two of section two of the Electoral Amendment Act, 1934, are hereby repealed.

*Life Insurance.*

- 32.** (1) Section eight of the Life Insurance Act, 1908 (hereinafter in this section referred to as the principal Act), is hereby amended as follows:—
- 5 (a) By omitting from subsection one all the words after the words “by the company”, and substituting the words “and for the time being in force”:
- (b) By repealing subsection two.
- 10 (2) Section nine of the principal Act is hereby consequentially repealed.
- (3) Section eleven of the principal Act is hereby amended by omitting from paragraph (b) of subsection one the words “policies on the register”, and
- 15 substituting the words “policies and other contracts issued, granted, or entered into in New Zealand by the company and still in force”.
- (4) Section twelve of the principal Act is hereby amended by omitting from paragraph (c) of subsection
- 20 one the words “policies on the register”, and substituting the words “policies and other contracts issued, granted, or entered into in New Zealand by the company and still in force”.
- Magistrates' Courts.*
- 25 **33.** This section and the *next three succeeding* sections shall be read together with and deemed part of the Magistrates' Courts Act, 1928 (hereinafter in those sections referred to as the principal Act).
- 34.** In an action for debt, the assignment of the debt
- 30 shall not for the purposes of section sixty-nine of the principal Act be deemed to be a material part of the cause of action.
- 35.** (1) Section one hundred and sixty-four of the principal Act is hereby amended by repealing para-
- 35 graph (d) of subsection one, and substituting the following paragraph:—
- “(d) The appellant gives notice of appeal within seven days after the determination or direction, or within such further time, not exceeding one month after the expiration
- 40 of such seven days, as may be allowed by

Section 8  
of Life  
Insurance Act,  
1908, amended.

See Reprint  
of Statutes,  
Vol. IV, p. 80

Repeal.

Consequential  
amendments.

This section  
and next  
three  
sections to  
form part of  
Magistrates'  
Courts Act,  
1928.

Ibid.,  
Vol. II, p. 98

Assignment of  
debt not to  
alter proper  
Court for  
lodging plaint.

Sections 164  
and 167 of  
principal Act  
(as to  
appeals)  
amended.

the Court or a Magistrate on application made either before or after the expiration of such seven days; and also within such seven days or further time gives security to abide the event of the appeal, in such form and to such amount as may be approved by the Court or a Magistrate, not being less than will be sufficient to cover the costs of the appeal." 5

(2) Section one hundred and sixty-seven of the principal Act is hereby amended by inserting in paragraph (a) of subsection one, after the words "notice of appeal", the words "or within such further time as the Court or a Magistrate may allow". 10

Stay of proceedings on appeal.

**36.** (1) The giving of notice of appeal shall not operate as a stay of execution or of proceedings under the determination or direction appealed against unless the Court or a Magistrate so orders or the amount of the judgment appealed against and its costs is deposited with the Clerk to abide the event of the appeal. 15 20

Repeal.

(2) Section one hundred and seventy of the principal Act is hereby consequentially repealed.

(3) Section one hundred and seventy-one of the principal Act is hereby consequentially amended by inserting, after the words "leave to proceed on the judgment", the words "where proceedings thereon are stayed". 25

#### *Mining.*

Section 106 of Mining Act, 1926 (as to mineral licenses), extended and amended.

See Reprint of Statutes, Vol. V, p. 994

**37.** (1) This section shall be read together with and deemed part of the Mining Act, 1926 (hereinafter in this section referred to as the principal Act). 30

(2) Notwithstanding anything to the contrary in section one hundred and six of the principal Act, the Warden may grant mineral licenses under that section in respect of any land outside a mining district that is not private land or Native land or land exempt from the provisions of the principal Act: 35

Provided that no mineral license shall be granted over any land that is not Crown land unless the consent in writing of the lessee and the occupier of the land has been obtained and is deposited with the Warden. 40

(3) Section one hundred and six of the principal Act is hereby amended by repealing paragraph (f), and substituting the following paragraph:—

5 “(f) The royalty shall be computed in such manner and paid at such times as are prescribed, and the royalty payable in respect of any period shall be reduced by the part of the annual rent paid under the license in respect of that period, and where the amount so paid exceeds the royalty, no royalty shall be  
10 payable for that period.”

*Motor-vehicles Insurance (Third-party Risks).*

38. (1) Subject to subsection two of section six of the Motor-vehicles Insurance (Third-party Risks) Act, 15 1928, but notwithstanding anything to the contrary in subsection four of that section, the liability of an insurance company under any contract of insurance under that Act shall extend to indemnify the owner against all claims for contribution under section  
20 seventeen of the Law Reform Act, 1936, in respect of any such liability as is mentioned in subsection one of the said section six.

Insurance to include indemnity against claims for contribution. See Reprint of Statutes, Vol. VIII, p. 825 1936, No. 31

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

25 *New Zealand Institute of Architects.*

39. (1) This section shall be read together with and deemed part of the New Zealand Institute of Architects Act, 1913 (hereinafter in this section referred to as the principal Act).

Former members of Institute may be re-registered as members.

30 (2) Any person who has, whether before or after the passing of this Act, ceased to be a member of the Institute may apply to be re-registered as a member of the Institute, and all the provisions of the principal Act as to registration shall so far as they are applicable  
35 apply to re-registration under this section:

See Reprint of Statutes, Vol. I, p. 365

Provided that any qualification which was a sufficient qualification for registration when the applicant was originally registered shall be a sufficient qualification for re-registration in accordance with this section.

40 (3) Subject to the provisions of section eleven of the principal Act as to appeals, the Council may refuse any application for re-registration under this section or may grant it either unconditionally or upon or subject to such conditions as the Council thinks fit.

*Opticians.*

Providing for additional member of Opticians Board.

See Reprint of Statutes, Vol. V, p. 702

40. Section three of the Opticians Act, 1928, is hereby amended by repealing paragraph (b) of subsection two, and substituting the following paragraph:—

“(b) Three persons engaged in practice as opticians 5  
in New Zealand, to be appointed on the recommendation of the Minister of Health, of whom one shall be a person registered as an optician on the grounds mentioned in paragraph (b) or paragraph (c) of section six 10  
of this Act and practising as an employee of another registered optician; and”.

*Pharmacy.*

Pharmaceutical chemists may serve apprenticeship in approved private hospitals.

Ibid., p. 714

Ibid., Vol. III, p. 776

41. (1) Subparagraph (ii) of paragraph (b) of section thirty of the Pharmacy Act, 1908, as amended by 15  
section three of the Pharmacy Amendment Act, 1922, is hereby extended so as to apply with respect to any private hospital that is licensed under Part III of the Hospitals and Charitable Institutions Act, 1926, and is approved for the purposes of this section by regulations 20  
made under the Pharmacy Act, 1908.

(2) The approval of any private hospital for the purposes of this section may be made to apply retrospectively to any period of service before the date 25  
of the approval, whether before or after the passing of this Act.

*Physical Welfare and Recreation.*

Increasing membership of National Council of Physical Welfare and Recreation.

1937, No. 14

42. Section three of the Physical Welfare and Recreation Act, 1937, is hereby amended, as from the passing of that Act, by omitting from paragraph (f) of 30  
subsection two the word “ten”, and substituting the word “twelve”.

*Police Force.*

Appointment of women police.

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

43. The powers conferred by the Police Force Act, 1913, to appoint members of the Police Force (including 35  
temporary members) are hereby extended so as to include power to appoint women to be members of the Force, and all references in the said Act to the Force and to the members of the Force shall be deemed to include the women members thereof. 40



*Police Offences.*

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

(2) If any person makes, or causes to be made, or uses for any purpose whatsoever, or utters, any document purporting to be, or in any way resembling, or so nearly resembling as to be calculated to deceive, any bank-note, or any part thereof, he shall be guilty of an offence against this section and shall be liable on summary conviction to a fine not exceeding *five* pounds, and it shall be lawful for the Court dealing with the case to order the document in respect of which the offence was committed, and any copies of that document, or any plates, blocks, dies, or other instruments used for, or capable of being used for, printing or reproducing any such document which are in the possession of the offender to be destroyed.

(3) If any person whose name appears on any document the making of which is an offence under this section refuses, without lawful excuse, to disclose to a constable on being so required the name and address of the person by whom it was printed or otherwise made, he shall be liable on summary conviction to a fine not exceeding *ten* pounds.

(4) The fact that the name of any person appears on any document in respect of which any person is charged with an offence under subsection *two* of this section, or on any other document used or distributed in connection with that document, shall, in the absence of proof to the contrary, be sufficient evidence that the first-mentioned person caused the document to be made.

(5) For the purposes of this section the term "bank-note" has the same meaning as in section two hundred and eighty-eight of the Crimes Act, 1908.

Imitation, &c., of bank-notes.

Cf. 15 & 16 Geo. V., c. 86, s. 38

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

Ibid., Vol. II, p. 267

35 *Post and Telegraph.*

45. Subsection two of section five of the Post and Telegraph Amendment Act, 1936, is hereby amended by repealing paragraph (c), and substituting the following new paragraph:—

40 "(c) One person, to be the Chairman of the tribunal, who (not being a person concerned or interested in the subject-matter of the

Section 5 of Post and Telegraph Amendment Act, 1936, amended. 1936, No. 41

inquiry) shall be agreed upon by the Minister and the organization or organizations concerned as aforesaid, or, in default of agreement, shall be selected by the Minister.”

5

*Public Reserves, Domains, and National Parks.*

This section and next four sections to form part of Public Reserves, Domains, and National Parks Act, 1928.

See Reprint of Statutes, Vol. VI, p. 1134

Section 21 of principal Act amended.

46. This section and the *next four succeeding* sections shall be read together with and deemed part of the Public Reserves, Domains, and National Parks Act, 1928 (hereinafter in those sections referred to as the principal Act). 10

47. (1) Section twenty-one of the principal Act is hereby amended by omitting from subsection one the words “having the control”.

(2) With respect to the making of by-laws under paragraph (i) of subsection one of the said section twenty-one, the following provisions shall apply:— 15

(a) If the trustees are a local authority the by-laws shall be made in the same manner as that in which the local authority is authorized by law to make by-laws: 20

(b) If the trustees are not a local authority the by-laws shall be made by resolution of the trustees, and shall have the seal of the trustees duly affixed thereto (if the trustees are a corporate body), or (if the trustees are not a corporate body) shall be signed by the Chairman and one other trustee and a notice stating the object or purport of the proposed by-laws shall be published in some newspaper circulating in the district in which the reserve is situate once in each of the four weeks immediately preceeding the day on which the by-laws are made. 25 30

(3) The *last preceeding* subsection is in substitution for subsection three of section twenty-one of the principal Act, and that subsection is hereby accordingly repealed. 35

48. The trustees of a recreation reserve may from time to time lease the whole or any part of the reserve for any period not exceeding twenty-one years to any voluntary organization within the meaning of the Physical Welfare and Recreation Act, 1937, at such rent and 40

Repeal.

Extending power to lease recreation reserves. 1937, No. 14

upon such terms and conditions as may be prescribed or approved by the Minister and may accept a surrender of any lease so granted. The power of leasing conferred by this section is in addition to and not in substitution  
 5 for the power of leasing conferred by section fourteen of the principal Act.

49. (1) Section fifty-five of the principal Act is hereby amended by adding to paragraph (b) of subsection two the words "and a notice stating the object or  
 10 purport of the proposed by-laws shall be published in some newspaper circulating in the district in which the domain is situate once in each of the four weeks immediately preceding the day on which the by-laws are made".

As to publication of by-laws made by Domain Boards.

15 (2) Section fifty-six of the principal Act is hereby amended as follows:—

(a) By omitting from subsection one all words after the word "Minister":

(b) By repealing subsection two:

20 (c) By omitting from subsection three all words after the words "endorsed thereon".

50. (1) It shall be lawful for any person being one of the trustees of a public reserve, or a member of a special Board, or a member of a Domain Board or a  
 25 National Park Board, to hold any office or place of profit under or in the gift of the trustees or Board, as the case may be, where the payment made or to be made by the trustees or Board in respect of that office or place of profit does not exceed *fifteen* pounds in any  
 30 financial year.

Trustees of public reserves and members of Boards may enter into contracts of service with trustees or Boards.

(2) Nothing in the Local Authorities (Members' Contracts) Act, 1934, shall be deemed to apply with  
 respect to any contract made pursuant to this section.

1934, No. 17

35 (3) All payments made before the passing of this Act that by virtue of this section would have been valid and lawful if they had been made after the passing of this Act shall be deemed to have been validly and lawfully made.

40 (4) This section is in substitution for section ninety-nine of the principal Act, and that section is hereby accordingly repealed.

Repeal.

*Rabbit Nuisance.*

Rabbit Board in receipt of subsidy may expend moneys in destruction of rabbits on private land. See Reprint of Statutes, Vol. I, p. 243

51. (1) In addition to the powers conferred upon it by the Rabbit Nuisance Act, 1928, any Rabbit Board that is in receipt of a subsidy from the Consolidated Fund on its general rates pursuant to section seventy of the said Act may (subject to the provisions of section eighty of that Act) expend its funds in destroying rabbits on private land in such manner as it thinks fit. 5

(2) All costs, charges, and expenses incurred by any Rabbit Board in the destruction of rabbits on any private land may, in the discretion of the Board, be recovered as a debt due to the Board from the owner of the land. 10

(3) All payments heretofore made by any Rabbit Board to which this section applies in respect of the destruction of rabbits on private land within its district are hereby validated and declared to have been lawfully made. 15

*Rating.*

Authorizing remission of additional charge of 10 per cent. on unpaid rates. Ibid., Vol. VII, p. 1007

52. (1) Any local authority which has (whether before or after the passing of this Act) added to unpaid rates the additional charge of ten per centum referred to in section seventy-six of the Rating Act, 1925, may, with respect to any particular ratepayer or ratepayers, either remit the charge, or any part thereof, or postpone the time for payment of the charge, or any part thereof, for such period as it thinks fit. 20 25

(2) The powers conferred by this section may be exercised in respect of all rates or any particular rate or rates. 30

(3) The local authority shall not exercise any power conferred by this section unless it is satisfied that undue hardship would otherwise be caused to the ratepayer.

(4) The powers conferred by this section may be exercised by the Minister of Lands in respect of rates made and levied by him under the authority of any of the following enactments—namely, the Rangitaiki Land Drainage Act, 1910, the Hauraki Plains Act, 1926, and the Swamp Drainage Amendment Act, 1928. 35

Ibid., Vol. IV, pp. 574, 598, 568

*Scenery Preservation.*

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

Lands in State forests may be set aside as scenic reserves

(2) For the purposes of section six of the principal Act any land comprised in a State forest shall be deemed to be Crown land, and the provisions of subsection one of that section shall apply accordingly, notwithstanding anything to the contrary in section twenty-four of the Forests Act, 1921-22:

See Reprint of Statutes, Vol. VIII, p. 613

Provided that no land comprised in a State forest shall be declared to be a reserve under the principal Act except on the joint recommendation of the Minister and the Commissioner of State Forests.

Ibid., Vol. III, p. 432

*Trustee.*

54. 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.

55. (1) Where any payment received by a trustee in respect of a sale of debentures or inscribed stock bearing interest at a fixed rate is or includes payment for the right to receive any interest accrued from the debentures or stock at the time of the sale, though the interest may not then be due, the amount of the accrued interest shall for the purposes of the trust be deemed to have been received as interest in respect of the period during which the interest so accrued.

Ibid., Vol. VIII, p. 873

(2) Where any payment made by a trustee in respect of a purchase of any debentures or inscribed stock bearing interest at a fixed rate is or includes payment for the right to receive any interest accrued from the debentures or stock at the time of the purchase, though the interest may not then be due, the amount of the accrued interest when received shall for the purposes of the trust be deemed to have been received as purchase-money repaid.

Accrued interest on debentures or stock sold or purchased. Cf. 1925, No. 14, s. 24 (N.S.W.)

(3) For the purposes of this section the expression "debentures or inscribed stock" includes any of the securities mentioned in paragraphs (a) and (c) of subsection one of section ninety-five of the principal

Act, and also includes, with respect to any trustee, any bonds, debentures, or stock in which he is authorized to invest trust funds.

(4) Anything done by a trustee before the passing of this Act which would have been authorized by this section if then in force shall be deemed to have been authorized by this section. 5

(5) This section applies only if and as far as a contrary intention is not expressed in the instrument (if any) creating the trust, and shall have effect 10 subject to the terms of that instrument and to the provisions therein contained.

(6) This section applies to trusts created either before or after the passing of this Act.

**56.** Section one hundred and thirteen of the principal Act is hereby amended by repealing subsection four thereof. 15

*Victoria University College.*

**57.** This section and the *next two succeeding* sections shall be read together with and deemed part 20 of the Victoria University College Act, 1933 (hereinafter in those sections referred to as the principal Act).

**58.** (1) Section five of the principal Act is hereby amended by adding to subsection two the following 25 paragraph:—

“(j) One member, being a person who has attended lectures at the College within the period of two years immediately preceding his appointment, to be appointed by the Executive of the Victoria University College Students’ Association (Incorporated).” 30

(2) Section six of the principal Act is hereby amended by omitting from subsection two the expression “and (h)”, and substituting the expression “(h), and (j)”. 35

(3) The first member of the Council to be appointed by the Executive of the Victoria University College Students’ Association (Incorporated) shall be appointed not later than the third Monday in June, nineteen hundred and thirty-nine, and shall retire from office in the year nineteen hundred and forty-one. 40

Section 113 of principal Act applied to trusts created before 2nd November, 1901.

This section and next two sections to form part of Victoria University College Act, 1933, No. 26

Appointment of additional member of Council to represent students.

59. Section twenty of the principal Act is hereby amended by repealing the proviso thereto.

*Workers' Compensation.*

60. (1) This section shall be read together with  
5 and deemed part of the Workers' Compensation Act, 1922 (hereinafter in this section referred to as the principal Act).

(2) Subject to subsections seven and eight of section five and to section fifty-seven of the principal  
10 Act, the weekly payments of compensation payable to any worker under the principal Act shall not be ended or diminished except in the following cases:—

(a) Where the weekly payment is in respect of total disablement and the worker has actually  
15 returned to work; or

(b) By agreement with the worker; or

(c) With the leave of the Court of Arbitration or of a Magistrate granted under the *next succeeding* subsection; or

20 (d) By judgment or order of a Court of competent jurisdiction.

(3) Upon an application in that behalf made after a registered medical practitioner has certified, after  
25 examining the worker, that he is wholly or partially recovered, or that any incapacity from which he suffers is not due in whole or in part to the accident, the Court of Arbitration or a Magistrate may, in its or his discretion, grant leave to end or diminish the weekly payments of compensation. The fact that any application for leave  
30 under this subsection is granted or refused or that the worker has agreed to the ending or diminishing of the weekly payments shall not be taken into account by the Court of Arbitration in determining in any proceedings whether or not the worker is entitled to  
35 compensation.

(4) If any employer ends or diminishes, in contravention of this section, the weekly payments of compensation payable to any worker, the employer shall be liable to pay to the worker, in addition to the  
40 weekly payments or so much thereof as has not been paid, as the case may be, a further amount equal to the amount in respect of which default is made. Any

By-laws of Council need not be approved by Governor-General.

Weekly payments of compensation under the Workers' Compensation Act, 1922, not to be discontinued except in accordance with this section.

See Reprint of Statutes, Vol. V, p. 597

additional amount payable under this subsection may be recovered in the same manner as if it were compensation duly payable, but shall not be taken into account for the purposes of subsections seven and eight of section five of the principal Act. 5

Repeal.  
1936, No. 45

(5) This section is in substitution for section nine of the Workers' Compensation Amendment Act, 1936, and that section is hereby accordingly repealed.

Certificates  
already given  
by medical  
committees  
not to be  
conclusive.

(6) Notwithstanding anything to the contrary in subsection two of the said section nine of the Workers' Compensation Amendment Act, 1936, no certificate as to a worker's fitness for work given by a medical committee under the said subsection two before the passing of this Act shall be deemed to be or to have ever been conclusive as to any facts certified therein. 10  
Where by any such certificate it was certified that any worker was wholly or partially recovered, or that any incapacity from which he suffered was not due in whole or in part to the accident,— 15

(a) The time limited by subsection one of section twenty-seven of the principal Act for the commencement of an action for the recovery of compensation by that worker shall be computed from the passing of this Act instead of from the date of the accident: 20 25

(b) The fact that judgment has been entered in any proceedings for the recovery of compensation by the worker, or that any such proceedings have been withdrawn or otherwise terminated, or that any claim by the worker for compensation has been otherwise settled or compromised shall not preclude the worker from commencing further proceedings to recover compensation or to vary the judgment, settlement, or compromise, as the case may be. 30 35