

Hon. Mr. Mason.

STATUTES AMENDMENT.

ANALYSIS.

Title.	
1. Short Title.	
<i>Administration.</i>	
2. Executors' commission may be apportioned.	9. This section and next three sections to form part of Companies Act, 1933.
<i>Air Force.</i>	
3. Offences in relation to uniforms and badges.	10. Application for membership of a company not to be contained in a proposal for insurance. Commencement.
<i>Air Navigation.</i>	
4. Extending power to make regulations under the Air Navigation Act, 1931.	11. Date for making declaration of solvency where private company passes winding-up resolution by entry in minute-book.
<i>Births and Deaths Registration.</i>	
5. Repealing provisions as to registration of fathers of illegitimate children. Repeal.	12. Provisional liquidator may be appointed by private company where resolution for a creditors' voluntary winding-up is passed by entry in minute-book.
<i>Chattels Transfer.</i>	
6. Application of Chattels Transfer Act to book debts. Repeals.	<i>Deaths by Accidents Compensation.</i>
<i>Cinematograph Films.</i>	13. Damages may be placed in trust when apportioned.
7. Extending quota provisions.	<i>Deeds Registration.</i>
<i>Coal-mines.</i>	14. Transfer of deeds to custody of libraries and museums.
8. Application of moneys appropriated to assist the coal-mining industry. Repeals.	<i>Dogs Registration.</i>
	15. Sections 25 and 26 of Dogs Registration Act, 1908, amended.

Evidence.

16. This section and next three sections to form part of Evidence Act, 1908.
 17. Proof of convictions.
 18. Repeal.
 19. Powers as to oaths and notarial acts outside New Zealand.

Family Protection.

20. Part II of Family Protection Act applied to intestate estates.
 21. Orders may be made affecting parts of estate held by trustees.

Forests.

22. This section and next five sections to form part of Forests Act, 1921-22.
 23. Definition of forest produce extended.
 24. Section 6 of principal Act amended.
 25. Limitation of power to license the taking of forest produce.
 26. Section 38 of principal Act amended.
 27. Validation of prior acts.

High Commissioner.

28. Authorizing High Commissioner to appoint temporary officers.

Impounding.

29. Remedies for trespass by cattle on unfenced land in certain cases.

Industrial Conciliation and Arbitration.

30. Enlargement of power of Court to delegate functions.
 31. As to temporary appointment of Honourable J. B. Callan as Judge of the Arbitration Court.

Infants.

32. Amendment of definition of "child" in respect of adoption of children.

Juries.

33. This section and next three sections to form part of Juries Act, 1908.
 34. Special jury-book.
 35. Cases in which special jury may be ordered.
 36. Repeals.

Labour Department.

37. Assistant Secretaries of Labour. Repeal.

Marriage.

38. As to marriage of persons under sixteen years of age. Repeal.

Married Women's Property.

39. Repealing restrictions on married women entering into partnership.

Mental Defectives.

40. Extension of protection afforded by section 6 of Mental Defectives Amendment Act, 1935.

Mining.

41. This section and next four sections to form part of the Mining Act, 1926.
 42. Application of moneys appropriated to assist the mining industry.
 43. Power to make and enforce agreements.
 44. Certain mining privileges not to be forfeited without consent.
 45. Repeals.

National Expenditure Adjustment.

46. Certain applications under National Expenditure Adjustment Act, 1932, not to be referred to Adjustment Commissions.

New Zealand Centennial.

47. Authorizing Borough Councils to make and levy separate rates for Centennial purposes.
 48. Local authorities may expend moneys on maintenance of memorials.

Offenders Probation.

49. Conditions of release on probation. Repeals.

Police Offences.

50. This section and next two sections to form part of Police Offences Act, 1927.
 51. Restriction on use of certain names.
 52. Section 41 of principal Act amended as to imprisonment in default of payment of fine.

<p style="text-align: center;"><i>Public Works.</i></p> <p>53. This section and next four sections to form part of Public Works Act, 1928.</p> <p>54. Improvement of farm lands.</p> <p>55. Power to take particular estates or interests or land subject thereto. Repeal.</p> <p>56. Time for claiming compensation for damage may be extended.</p> <p>57. Costs in claims for compensation. Repeal.</p> <p style="text-align: center;"><i>Rating.</i></p> <p>58. Section 27 of Rating Act, 1925, amended.</p>	<p style="text-align: center;"><i>River Boards.</i></p> <p>59. River Boards may insure members against personal accident while engaged in duties.</p> <p style="text-align: center;"><i>Shorthand Reporters.</i></p> <p>60. Official report to be in shorthand, and such parts as are directed to be transcribed. Repeal. Consequential amendment.</p> <p style="text-align: center;"><i>Wool Industry Promotion.</i></p> <p>61. Changing name of New Zealand Wool Publicity Committee.</p>
---	---

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, 1939. Short Title.

Administration.

2. Where the Court allows a commission or percentage under section twenty of the Administration Act, 1908, in any case in which there are or have been two or more administrators or trustees, whether acting at the same time or at different times, the Court may, in its discretion, apportion the total amount allowed among the administrators or trustees in such manner as it thinks fit, and, in particular, may divide the amount in unequal shares or may make the allowance to one or more of the administrators or trustees to the exclusion of the other or others.

Executors' commission may be apportioned. See Reprint of Statutes, Vol. III, p. 135

Air Force.

3. (1) This section shall be read together with and deemed part of the Air Force Act, 1937.

(2) Section sixty of the Defence Act, 1909, shall apply, with the necessary modifications, to the uniform of the Air Force as if the Air Force were part of His Majesty's Military Forces as defined in subsection four of that section.

Offences in relation to uniforms and badges. 1937, No. 6 See Reprint of Statutes, Vol. II, p. 595

See Reprint
of Statutes,
Vol. II, p. 519

Ibid., Vol. I,
p. 438

(3) Section thirty-one of the Police Offences Act, 1927, is hereby amended by inserting in subsection three, after the word "naval", the words "or air force".

(4) Section two of the Military Decorations and Distinctive Badges Act, 1918, is hereby amended by inserting, after the word "naval", the words "or air force". 5

Air Navigation.

Extending
power to make
regulations
under the Air
Navigation
Act, 1931.

Ibid., Vol. I,
p. 424

4. (1) Section three of the Air Navigation Act, 1931, is hereby amended by inserting, after the word "necessary", the words "or expedient". 10

(2) Section five of that Act is hereby amended by repealing paragraph (m), and substituting the following paragraph:—

"(m) Regulating the making of signals and other communications by or to aircraft and persons carried therein, and regulating the use of the Royal New Zealand Air Force ensign or of the New Zealand Civil Air ensign or of any other ensign that may be established or authorized for purposes connected with air navigation." 15
20

Births and Deaths Registration.

Repealing
provisions as to
registration of
fathers of
illegitimate
children.

Ibid., Vol. VIII,
p. 36

Ibid., Vol. II,
p. 904

5. (1) This section shall be read together with and deemed part of the Births and Deaths Registration Act, 1924 (in this section referred to as the principal Act). 25

(2) All entries in any register heretofore made by any Registrar pursuant to the provisions of section fifteen of the Destitute Persons Act, 1910, shall, on the passing of this Act, be deemed to be expunged and deleted. 30

(3) In making a certified copy of the entry in any register of the birth of an illegitimate child, the Registrar-General or the Registrar, as the case may be, shall omit from the copy any entry made in the register pursuant to the provisions of the said section fifteen. 35

(4) Every certified copy made pursuant to the last preceding subsection shall, if otherwise correct, be deemed to be a true copy of the original entry in the register. 40

(5) Section twenty-five of the principal Act is hereby amended by omitting from subsection three the words " Except as provided in section fifteen of the Destitute Persons Act, 1910 "

5 (6) Section fifteen of the Destitute Persons Act, 1910, is hereby repealed. Repeal.

Chattels Transfer.

6. (1) This section shall be read together with and deemed part of the Chattels Transfer Act, 1924 (in Application of Chattels Transfer Act to book debts.
10 this section referred to as the principal Act). See Reprint of Statutes, Vol. I, p. 632

(2) For the purposes of the principal Act book debts shall be deemed to be chattels, and shall be deemed to be situate in the place where the grantor of the instrument comprising them longest resided See Reprint of Statutes, Vol. I, p. 632
15 or carried on business during the period of six months next before the execution of the instrument.

(3) For the purposes of any instrument comprising book debts each debt shall be deemed to be a separate chattel, and shall be described by setting forth the See Reprint of Statutes, Vol. I, p. 632
20 amount of the debt and the name of the debtor or firm of debtors so far as is reasonably necessary to show by whom the debt is owing.

(4) For the purposes of this section and of the principal Act the term " book debts " means debts See Reprint of Statutes, Vol. I, p. 632
25 owing to any person in the course of his trade or business, but does not include any debt secured or charged on land, or any debt owing to any person for or in respect of any milk, cream, or butterfat supplied by him to any butter factory, cheese factory, See Reprint of Statutes, Vol. I, p. 632
30 condensed-milk factory, or milk-powder factory.

(5) The definition of the term " chattels " in section two of the principal Act is hereby amended as follows:—

- 35 (a) By inserting, after the word " wool ", the words " and also includes book debts "; and
(b) By inserting, after the word " choses-in-action " in paragraph (a), the words "(not being book debts)".

(6) This section is in substitution for sections Repeals.
40 thirty-one and thirty-two of the principal Act, and those sections are hereby accordingly repealed.

Cinematograph Films.

Extending
quota
provisions.
See Reprint
of Statutes,
Vol. I, p. 817

7. (1) The First Schedule to the Cinematograph Films Act, 1928, is hereby amended by adding the following words:—

“ In respect of the year ending 31st December, 1940	20 per cent. of quota films.	5
“ In respect of the year ending 31st December, 1941	20 per cent. of quota films.	
“ In respect of the year ending 31st December, 1942	20 per cent. of quota films.	10
“ In respect of the year ending 31st December, 1943	20 per cent. of quota films.	
“ In respect of the year ending 31st December, 1944	20 per cent. of quota films.”	

(2) The Second Schedule to the Cinematograph Films Act, 1928, is hereby amended by adding the following words:—

“ In respect of the year ending 30th September, 1940	20 per cent. of quota films.	
“ In respect of the year ending 30th September, 1941	20 per cent. of quota films.	20
“ In respect of the year ending 30th September, 1942	20 per cent. of quota films.	
“ In respect of the year ending 30th September, 1943	20 per cent. of quota films.	25
“ In respect of the year ending 30th September, 1944	20 per cent. of quota films.”	

Coal-mines.

Application of
moneys
appropriated
to assist the
coal-mining
industry.
Ibid., Vol. V,
p. 843

8. (1) This section shall be read together with and deemed part of the Coal-mines Act, 1925 (in this section referred to as the principal Act). 30

(2) All moneys that may from time to time be appropriated by Parliament for the purpose of assisting or encouraging prospecting for, or production of, coal shall be apportioned and applied, whether by way of loans, grants, subsidies, or otherwise, as the Minister thinks fit, subject nevertheless to the special terms (if any) of the appropriation. 35

(3) Without limiting the general powers hereinbefore conferred upon the Minister, it is hereby declared that subject as aforesaid any of the moneys referred 40

to in the *last preceding* subsection may, if the Minister thinks fit, be applied, whether by way of loans, grants, subsidies, or otherwise, for any of the purposes following, namely:—

- 5 (a) The purchase of machinery, working plant, or appliances, and the erection, fitting up, or connecting thereof:
- (b) The extraction, rectification, storage, and transport of oil derivable or derived from
- 10 coal:
- (c) The erection, reconstruction, or repair of dwellings by the owners of any coal-mine for the use of persons employed therein.
- (4) Any loans, grants, subsidies, or other application
- 15 of moneys under this section may be made either unconditionally or upon or subject to such conditions as the Minister thinks fit.
- (5) The Minister may for the purposes of this section, in the name and on behalf of His Majesty,
- 20 make and enforce such agreements, and execute such instruments, as he thinks fit.

(6) This section is in substitution for section one hundred and fifty-eight of the principal Act and section three hundred and ninety-three of the Mining Act, 1926,

25 and those sections are hereby accordingly repealed.

Repeals.

See Reprint of Statutes. Vol. V, p. 1143

Companies.

9. This section and the next *three succeeding* sections shall be read together with and deemed part of the Companies Act, 1933 (in those sections referred

30 to as the principal Act).

10. (1) No form of proposal for insurance by any company that contains or purports to be an application for shares in or membership of the company shall be issued by or on behalf of the company.

35 (2) Where any person makes a proposal for insurance to any company, the company shall not allot any shares to that person or admit him to membership of the company without first receiving an application for shares or membership that is contained in a

40 document separate from the proposal for insurance.

(3) If a company acts in contravention of this section, the company, and every officer of the company who is in default, shall be liable to a fine not exceeding *one hundred pounds*.

This section and next three sections to form part of Companies Act, 1933.

1933, No. 29

Application for membership of a company not to be contained in a proposal for insurance.

(4) Nothing in this section shall affect the validity of any policy of insurance or of any allotment of shares or admission to membership.

Commencement.

(5) This section shall come into force on the first day of *January*, nineteen hundred and *forty*.

5

Date for making declaration of solvency where private company passes winding-up resolution by entry in minute-book.

11. In the application of subsections one and two of section two hundred and twenty-six of the principal Act to a private company where a resolution for a voluntary winding-up of the company is proposed to be passed or is passed by means of an entry in its minute-book in accordance with section three hundred of the principal Act, the said subsections one and two shall be construed as if the date mentioned in subsection one were the date on which the resolution is passed.

10

Provisional liquidator may be appointed by private company where resolution for a creditors' voluntary winding-up is passed by entry in minute-book.

12. Where a private company passes a resolution for a creditors' voluntary winding-up by means of an entry in its minute-book in accordance with section three hundred of the principal Act, the company may at the same time, or at any subsequent time before the date of the meeting of creditors to be summoned as provided in subsection seven of the said section three hundred, appoint the Official Assignee to be the provisional liquidator of the company; and thereupon the Official Assignee shall become the provisional liquidator and shall continue to act as such until he or another person becomes liquidator and is capable of acting as such.

15

20

25

Deaths by Accidents Compensation.

Damages may be placed in trust when apportioned. See Reprint of Statutes, Vol. VI, p. 427

13. (1) This section shall be read together with and deemed part of the Deaths by Accidents Compensation Act, 1908 (in this section referred to as the principal Act).

30

(2) Where in any action under the principal Act damages are recovered by or on behalf of two or more parties, the Court may in its discretion, either unconditionally or upon or subject to such conditions as it thinks fit, order that the moneys so recovered, or any part thereof, be held upon trusts providing for the taking of successive interests therein by two or more of the parties, or for the payment to any of the

35

40

parties out of the moneys or out of the income thereof, or partly out of income and partly out of capital, as the case may be, of periodic payments or of a lump sum. Where an order is made under this subsection it shall not be necessary to apportion the moneys under section six of the principal Act; if any such apportionment has been previously made, the Court shall have regard to it in addition to any other relevant considerations, but an order under this subsection may, if the Court thinks fit, involve a variation of any such apportionment.

(3) For the purpose of giving effect to an order under the *last preceding* subsection, or for the purpose of enabling the Court to consider whether any such order should be made, the Court may in its discretion, upon or subject to such conditions as it thinks fit, order that the provisions of section thirteen of the Public Trust Office Amendment Act, 1913, shall apply with respect to any damages claimed, awarded, or received by or on behalf of any party, notwithstanding that he may not be an infant or a person of unsound mind. Every order made under this subsection shall have effect according to its tenor.

See Reprint
of Statutes,
Vol. VIII,
p. 979

(4) Any order made under this section may be at any time in like manner varied or revoked.

Deeds Registration.

14. (1) Notwithstanding anything to the contrary in section forty-five of the Deeds Registration Act, 1908, the Registrar of Deeds may at any time deliver to the person in charge of the Alexander Turnbull Library, or of any other library or museum approved for the purposes of this section by the Minister of Internal Affairs, any instrument deposited in the Deeds Register Office for safe custody which in the opinion of the Registrar is no longer required to be securely kept in the Register Office.

Transfer of
deeds to
custody of
libraries and
museums.

Ibid.,
Vol. VII,
p. 1156

(2) Every such instrument shall be kept in safe custody in the library or museum by the officer for the time being in charge thereof, and shall be available for inspection by the Registrar on demand.

(3) The Registrar may at any time require the return to him of any instrument delivered to any person under the authority of this section, and in any such case it shall be the duty of the person for the time being responsible for the safe custody of the instrument to return it to the Registrar accordingly. 5

Dogs Registration.

15. The Dogs Registration Act, 1908, is hereby amended as follows:—

- (a) By omitting from section twenty-five the words “ or cattle ”, and substituting the words “ cattle, or poultry ”: 10
- (b) By omitting from section twenty-six the words “ or sheep ” wherever they occur, and substituting in each case the words “ sheep, or poultry ”. 15

Evidence.

16. This section and the *next three succeeding* sections shall be read together with and deemed part of the Evidence Act, 1908 (in those sections referred to as the principal Act). 20

17. (1) Where in any proceedings it may be necessary to prove the conviction of any person of an indictable offence a certificate containing the substance of the conviction for the offence, purporting to be signed by the Registrar or other officer having the custody of the records of the Court where the offender was convicted, shall, upon proof of the identity of the person, be sufficient evidence of the conviction without proof of the signature or official character of the person appearing to have signed the certificate. 25 30

(2) A fee of *five* shillings shall be payable for any such certificate.

(3) The mode of proving a previous conviction authorized by this section shall be in addition to and not in exclusion of any other authorized mode of proving the conviction. 35

Sections 25 and 26 of Dogs Registration Act, 1908, amended.
See Reprint of Statutes, Vol. I, p. 210

This section and *next three* sections to form part of Evidence Act, 1908.
Ibid., Vol. III, p. 106
Proof of convictions.

18. The *last preceding* section is in substitution for subsections two and three of section twelve of the principal Act, and those sections are hereby accordingly repealed.

5 19. (1) In this section, unless the context otherwise requires,—

“Affidavit” includes any affirmation, statutory or other declaration, acknowledgment, examination, or attestation or protestation of honour:

10

“British representative” means an Ambassador, Envoy, Minister, Chargé d’Affaires, Secretary of Embassy or Legation, Consul-General, Consul, Vice-Consul, Pro-Consul, Consular Agent, High Commissioner, Trade Commissioner, or Tourist Commissioner of a country within the British dominions (including New Zealand), and includes any person lawfully acting for any such officer:

15

20 “Oath” includes an affirmation and a declaration:

“Swear” includes affirm, declare, and protest.

(2) Every British representative exercising his functions in any place outside New Zealand may, in that place, administer any oath and take any affidavit, and also do any notarial act which any Notary Public can do within New Zealand; and every oath, affidavit, and notarial act administered, sworn, or done by or before any such representative shall be as effectual as if duly administered, sworn, or done by or before any lawful authority in New Zealand.

30

(3) Any document purporting to have affixed, impressed, or subscribed thereon or thereto the seal and signature of any person authorized by this section to administer an oath in testimony of any oath, affidavit, or act being administered, taken, or done by or before him shall be admitted in evidence without proof of the seal or signature being the seal or signature of that person, or of the official character of that person.

35

Repeal.

Powers as to oaths and notarial acts outside New Zealand.

Cf. Commissioners for Oaths Act, 1889 (Imp.), c. 10, ss. 6, 11; 54 & 55 Vict., c. 50, s. 2, Halsbury’s Statutes of England, Vol. VIII, p. 244

Family Protection.

Part II of
Family
Protection Act
applied to
intestate
estates.

See Reprint
of Statutes,
Vol. III,
pp. 144, 298

20. (1) Notwithstanding anything to the contrary in Part III of the Administration Act, 1908, or in the Statute of Distributions as defined in section fifty-three of that Act, the provisions of Part II of the Family Protection Act, 1908, shall, with the necessary modifications, apply with respect to every person who dies without leaving a will, in the same manner as if he had died leaving a will providing for the distribution of his estate as on an intestacy, and as if the grant of administration of his estate were the grant of probate of his will. 5 10

(2) Where any person dies leaving a will but intestate as to any part of his estate, an order may be made by the Court under Part II of the Family Protection Act, 1908, affecting that part of his estate in the same manner as if the will had provided for distribution of that part as on an intestacy. 15

(3) This section shall apply with respect to the estates of persons dying either before or after the passing of this Act. 20

Orders may
be made
affecting parts
of estate
held by
trustees.

21. (1) For the purposes of Part II of the Family Protection Act, 1908, no real or personal property that is held upon trust for any of the beneficiaries in the estate of any deceased person shall be deemed to have been distributed or to have ceased to be part of the estate of the deceased by reason of the fact that it is held by the executors or administrators after they have ceased to be executors or administrators in respect of that property and have become trustees thereof, or by reason of the fact that it is held by any other trustees. 25 30

(2) This section shall apply with respect to the estates of persons dying either before or after the passing of this Act. 35

Forests.

This section
and next five
sections to
form part of
Forests Act,
1921-22.

Ibid., p. 425

22. This section and the next five succeeding sections shall be read together with and deemed part of the Forests Act, 1921-22 (in those sections referred to as the principal Act). 40

23. Section two of the principal Act is hereby amended by omitting the definition of the term "forest produce", and substituting the following definition:—

Definition of forest produce extended.

5 " "Forest produce" includes trees and other plants, and the products of trees and other plants, and also includes earth, rock, sand, shingle, and minerals when found in or removed from any land set apart as a State forest or any other land for the time being administered by the Minister."

10 24. Section six of the principal Act is hereby amended by repealing paragraph (c), and substituting the following paragraph:—

Section 6 of principal Act amended.

15 "(c) The planting and maintenance of State forests, and the culture, harvesting, transport, sale, or other distribution of forest produce."

20 25. The powers conferred by the principal Act to deal with forest produce shall be subject to the provisions of the Coal-mines Act, 1925, the Mining Act, 1926, the Petroleum Act, 1937, and the Iron and Steel Industry Act, 1937.

Limitation of power to license the taking of forest produce. See Reprint of Statutes, Vol. V, pp. 843, 943 1937, Nos. 27, 33

25 26. Section thirty-eight of the principal Act is hereby amended by repealing paragraph (d), and substituting the following paragraph:—

"(d) For the culture, growth, protection, maintenance, and sale or other disposal of any forest produce, and for purposes incidental thereto."

Section 38 of principal Act amended.

30 27. All acts of any nature done before the passing of this Act that by virtue of the *last five preceding* sections would have been valid and lawful if they had been done after the passing of this Act shall be deemed to have been validly and lawfully done.

Validation of prior acts.

35 *High Commissioner.*

28. (1) Whenever in his opinion temporary assistance is necessary, the High Commissioner for New Zealand in the United Kingdom may employ such person or persons as he thinks fit for any period or periods not exceeding *six* months in any case.

Authorizing High Commissioner to appoint temporary officers.

(2) As soon as practicable after any person is employed under this section the High Commissioner

shall advise the Government of the name of the person employed, the period during which he is employed or during which it is proposed to employ him, and the remuneration paid or payable to him.

(3) The employment of any person under this section may be terminated at any time by the High Commissioner. 5

(4) Except as otherwise provided in this section, the provisions of section nine of the High Commissioner Act, 1908, shall, with the necessary modifications, apply 10 with respect to every person employed under this section as if he were an officer appointed under that section.

See Reprint
of Statutes,
Vol. III, p. 687

Impounding.

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

(2) Notwithstanding anything to the contrary in the principal Act, the occupier of any unfenced land trespassed upon by cattle may claim the same trespass 20 rates or damages under the principal Act as if the land had been fenced if he proves that the trespass on to his land or on to any land adjoining his land and not fenced therefrom was not directly or indirectly or wholly or partly due to the fact that his land or 25 the adjoining land, as the case may be, was not fenced.

Remedies for
trespass by
cattle on
unfenced land
in certain
cases.

Ibid., Vol. I,
p. 213

Industrial Conciliation and Arbitration.

30. Section four of the Industrial Conciliation and Arbitration Amendment Act (No. 2), 1937, is hereby amended as from the passing of that Act, as follows:— 30

(a) By inserting in subsection one, after the words “by order under the seal of the Court”, the words “or in such other manner as the Court thinks fit”:

(b) By omitting from subsection one the words “in 35 the order”, and substituting the words “by it”:

(c) By adding to subsection one the words “or 40 under the Factories Act, 1921–22, or under the Shops and Offices Act, 1921–22.”

Enlargement
of power of
Court to
delegate
functions.
1937, No. 10

See Reprint
of Statutes,
Vol. III,
pp. 198, 240

31. It is hereby declared that the appointment of the Honourable John Bartholomew Callan, a Judge of the Supreme Court of New Zealand, to act as a Judge of the Court of Arbitration during the illness of the Honourable Patrick Joseph O'Regan was validly and lawfully made and that, notwithstanding anything to the contrary in the Industrial Conciliation and Arbitration Act, 1925, the Honourable John Bartholomew Callan may continue to act as such Judge for so long as may be necessary to complete the hearing and determination of such matters as have been heard or partly heard by the Court of Arbitration before the passing of this Act, while he was acting as a Judge thereof.

As to temporary appointment of Honourable J. B. Callan as Judge of the Arbitration Court.
See Reprint of Statutes, Vol. III, p. 939

15

Infants.

32. (1) Section fifteen of the Infants Act, 1908, is hereby amended by omitting from the definition of the term "child" the words "boy or girl under the age of fifteen years", and substituting the words "person under the age of twenty-one years".

Amendment of definition of "child" in respect of adoption of children.

Ibid., Vol. III, p. 1074

(2) Section eighteen of the Infants Act, 1908, is hereby amended by omitting from paragraph (c) of subsection one the words "fifteen years", and substituting the words "twenty-one years".

25

Juries.

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

This section and next three sections to form part of Juries Act, 1908.

34. 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 so as to make up such a number of special jurymen as he considers necessary he shall take from those lists consecutively and enter in a book consecutively the names, in the order in which they stand in the lists, of all men who are known to him to be, or from their descriptions appear to him to be, qualified, whether by reason of their education, training, or occupation or otherwise, to determine difficult questions in relation to scientific, technical, business, or professional matters.

Ibid., Vol. IV, p. 399

Special jury-book.

Cases in which special jury may be ordered.

35. Except with the consent of all the parties, no action, issue, or criminal case shall be tried before a Judge with a special jury unless in the opinion of the Supreme Court or a Judge thereof difficult questions in relation to scientific, technical, business, or professional matters are likely to arise. 5

Repeals.

36. The *last two preceding* sections are in substitution for subsection four of section seventy-one and the proviso to section eighty-four of the principal Act, section four of the Judicature Amendment Act, 1936, and section forty of the Statutes Amendment Act, 1936, and those enactments are hereby accordingly repealed. 10

1936, No. 22
1936, No. 58

Labour Department.

Assistant Secretaries of Labour.

37. (1) There shall from time to time be appointed as officers of the Public Service such number of Assistant Secretaries of Labour as may be deemed necessary. The Assistant Secretaries shall, under the control of the Secretary, perform such general official duties as they are called upon to perform by the Secretary. 15 20

(2) On the occurrence from any cause of a vacancy in the office of Secretary, and in case of the absence from duty of the Secretary (from whatever cause arising), and so long as the vacancy or absence continues, every Assistant Secretary shall have and may exercise such of the powers, duties, and functions of the Secretary as relate to the general official duties which he has been called upon to perform under the *last preceding* subsection. 25 30

(3) The fact that an Assistant Secretary exercises or performs any power, duty, or function of the Secretary shall be conclusive evidence of his authority so to do.

(4) For the purposes of this section the powers, duties, or functions of the Secretary shall be deemed to include such of the powers of the Minister as the Secretary may for the time being be authorized to exercise pursuant to a delegation under section five of the Labour Department Amendment Act, 1936. 35 40

1936, No. 4

Repeal.

(5) This section is in substitution for section three of the Labour Department Amendment Act, 1936, and that section is hereby accordingly repealed.

(6) This section shall be deemed to have come into force on the first day of April, nineteen hundred and thirty-nine.

Marriage.

- 5 33. (1) This section shall be read together with and deemed part of the Marriage Act, 1908 (in this section referred to as the principal Act). As to marriage of persons under sixteen years of age. See Reprint of Statutes, Vol. III, p. 826
- 10 (2) A certificate of marriage shall not be issued by any Registrar under the principal Act if either of the persons intending marriage is under the age of sixteen years at the date of the notice of intended marriage given under section seventeen of that Act.
- 15 (3) No Officiating Minister shall celebrate a marriage between two Natives under the provisions of paragraph (b) of subsection one of section two hundred and thirty-two of the Native Land Act, 1931, if either of the Natives is under the age of sixteen years. Ibid., Vol. VI, p. 188
- 20 (4) No marriage shall be deemed to have been unduly solemnized by reason only of an infringement of the provisions of this section.
- 25 (5) All marriages contracted and solemnized before the passing of this Act that by virtue of this section would have been valid and lawful if this section had been in force when they were contracted and solemnized shall be deemed to have been and to be valid and binding, and the issue born of such marriages (whether born before or after the passing of this Act) shall be deemed to have been born in lawful wedlock:
- 30 Provided that this section shall not render valid any such marriage in any case where either of the parties to the marriage has thereafter before the passing of this Act lawfully intermarried with any other person; nor shall this section affect any estate, right, or interest in any real or personal property to
- 35 which any person has become absolutely entitled (whether beneficially or otherwise) before the passing of this Act, or affect any proceedings commenced in any Court before the passing of this Act or any decree, order, or judgment made or given (whether
- 40 before or after the passing of this Act) in any such proceedings.
- (6) This section is in substitution for section two of the Marriage Amendment Act, 1933, and that section is hereby accordingly repealed. Repeal. 1933, No. 5

Married Women's Property.

Repealing restrictions on married women entering into partnership.

See Reprint of Statutes, Vol. III, p. 864

Extension of protection afforded by section 6 of Mental Defectives Amendment Act, 1935. 1935, No. 7

39. Section twenty-nine of the Married Women's Property Act, 1908, is hereby repealed.

Mental Defectives.

40. Section six of the Mental Defectives Amendment Act, 1935, is hereby amended by inserting, after subsection six thereof, the following new subsection:—

“(6A) No claim or demand or action for damages in respect of any wrongful act or default committed by any person at any time during his absence on leave from any institution or house in which he has been detained as a patient under the principal Act, or at any time after his discharge as a patient, shall be made or brought against His Majesty or against any person acting under the authority of the principal Act in the matter of the grant of leave of absence to or the discharge of such patient.”

Mining.

This section and next four sections to form part of the Mining Act, 1926.

See Reprint of Statutes, Vol. V, p. 1150

Application of moneys appropriated to assist the mining industry.

41. This section and the next four succeeding sections shall be read together with and deemed part of Part XIII of the Mining Act, 1926 (hereinafter in those sections referred to as the principal Act).

42. (1) All moneys that may from time to time be appropriated by Parliament for the purpose of assisting or encouraging prospecting for, or production of, gold or any other metal or mineral shall be apportioned and applied, whether by way of loans, grants, subsidies, rewards, or otherwise, as the Minister thinks fit, subject nevertheless to the special terms (if any) of the appropriation, and subject also to the provisions following, that is to say:—

(a) In any case where such assistance or encouragement is given by way of reward for the discovery of a new mining-field, the Minister may agree with any local authority that that authority shall pay such portion of the reward as is agreed on, not exceeding one-half, and that the residue shall be paid by him; and in every such case the local authority shall be liable to pay its portion accordingly:

- (b) In any case where any local authority itself offers any reward under the provisions of the principal Act, the Minister may pay such portion thereof as is agreed on, not exceeding one-half:
- (c) In any case where any local authority, being liable to pay any money in respect of any such reward, makes default in duly paying the same, the Minister may pay it on behalf of the local authority, and all money so paid by him shall be a charge upon and be deducted from all goldfields revenue, or other money, due or accruing due to the local authority under any Act.
- (2) Without limiting the general powers herein-before conferred upon the Minister, it is hereby declared that, subject to the special terms (if any) of the appropriation, any of the moneys appropriated by Parliament, as mentioned in the *last preceding* subsection, may, if the Minister thinks fit, be applied, whether by way of loans, grants, subsidies, or otherwise, for the purpose of purchasing machinery, working plant, or appliances, and for erecting, fitting up, or connecting the same.
- (3) Any loans, grants, subsidies, rewards, or other application of moneys under this section may be made either unconditionally or upon or subject to such conditions as the Minister thinks fit.
- 43.** The Minister may for the purposes of Part XIII of the principal Act, in the name and on behalf of His Majesty, make and enforce such agreements, and execute such instruments, as he thinks fit.
- 44.** In any case where moneys are advanced or paid to any person who has an interest in a mining privilege and any instrument referring to the mining privilege is completed between that person and the Minister on behalf of His Majesty and duly registered under the principal Act, the mining privilege shall not, so long as any moneys remain payable to the Minister on behalf of His Majesty, be liable to forfeiture for any cause whatsoever except with the consent in writing of the Minister, and no certificate of abandonment shall be given in respect of the mining privilege without the like consent.

Power to make and enforce agreements.

Certain mining privileges not to be forfeited without consent.

Repeals.

45. Sections three hundred and eighty-four to three hundred and ninety-two, sections four hundred and nineteen, four hundred and twenty-two, and four hundred and twenty-six, and paragraph (c) of section four hundred and twenty-five of the principal Act are hereby repealed. 5

National Expenditure Adjustment.

Certain applications under National Expenditure Adjustment Act, 1932, not to be referred to Adjustment Commissions. 1932, No. 8

46. Section forty of the National Expenditure Adjustment Act, 1932, is hereby repealed.

New Zealand Centennial.

Authorizing Borough Councils to make and levy separate rates for Centennial purposes. 1938, No. 21

47. (1) This section shall be read together with and deemed part of the New Zealand Centennial Act, 1938. 10

(2) With the prior consent of the Minister any Borough Council may in any year make and levy a separate rate, of such amount as the Minister approves, over all rateable property in the borough for the purpose of meeting any expenditure which that Council has incurred or may incur in connection with its participation in approved Centennial celebrations. 15 20

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

Local authorities may expend moneys on maintenance of memorials.

48. Section eighteen of the New Zealand Centennial Act, 1938, is hereby amended by inserting in subsection one, after the word "establishment", the words "or maintenance". 25

Offenders Probation.

Conditions of release on probation. See Reprint of Statutes, Vol. II, p. 493

49. (1) This section shall be read together with and deemed part of the Offenders Probation Act, 1920 (in this section referred to as the principal Act). 30

(2) The Court releasing any person on probation under the principal Act may impose all or any of the conditions following, namely:—

(a) That he shall enter into a recognizance, with or without sureties, to be of good behaviour: 35

(b) That he shall, within such period and by such instalments as may be directed by the Court, pay the costs, or some portion of the costs, of the prosecution in relation to the offence in respect of which he is released on probation and in relation to any other offence of which 40

he may be convicted or in respect of which he may be brought up for sentence at the same time:

- 5 (c) That he shall, within such period and by such instalments as may be directed by the Court, pay such sums as the Court may direct by way of satisfaction or compensation for any loss suffered by any persons through or by means of the offence in respect of which he is released on probation or through or by means of any other offence of which he may be convicted or in respect of which he may be brought up for sentence at the same time.

- 10 (3) This section is in substitution for subsection 15 two of section ten of the principal Act, and that subsection and paragraph (a) of section three of the Offenders Probation Amendment Act, 1930, are hereby accordingly repealed. Repeals.

Police Offences.

- 20 50. This section and the next two succeeding sections shall be read together with and deemed part of the Police Offences Act, 1927 (in those sections referred to as the principal Act).

This section and next two sections to form part of Police Offences Act, 1927.

- 25 51. (1) Except with the consent of the Governor-General in Council or as expressly provided in any Act other than this Act, no association of persons, whether a body corporate or not, shall exercise the functions for which it is formed under a name which—

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

- 30 (a) Contains the word "Royal", or "Imperial", or "National", or "State", or any word which suggests, or is calculated to suggest, the patronage of His Majesty or of any member of the Royal Family or connection with His Majesty's Government or any Department thereof; or

Restriction on use of certain names.

- 35 (b) Contains the word "Municipal", or "Chartered", or suggests, or is calculated to suggest, connection with any municipality or other local authority, or with any society or body incorporated by Royal Charter; or

- 40 (c) Contains the word "Bank", "Bankers", "Banking", "Co-operative", "Trust", or "Trustee", or the words "Stock Exchange".

(2) Where any Act provides for the registration of any association of persons, the registering authority may refuse registration if in its opinion the use of the name by which the association desires to be registered is prohibited by the *last preceding* subsection. 5

(3) The provisions of this section shall, with the necessary modifications, apply to an individual carrying on business under any name or style other than his own.

(4) Any association or individual who does any Act in contravention of the provisions of this section commits an offence and shall be liable on summary conviction to a fine of *fifty* pounds. 10

(5) Nothing in this section shall apply to the use by any association or individual of any name that was in use in New Zealand by that association or individual on the passing of this Act. 15

52. Section forty-one of the principal Act is hereby amended as follows:—

(a) By omitting from paragraph (a) the words “and in default of payment thereof may be imprisoned for any term not exceeding forty-eight hours”:

(b) By omitting from paragraph (b) the words “and in default of payment thereof may be imprisoned for any term not exceeding seven days”:

(c) By omitting from paragraph (c) the words “and in default of payment thereof to fourteen days’ imprisonment”. 30

Public Works.

53. This section and the *next four succeeding* sections shall be read together with and deemed part of the Public Works Act, 1928 (in those sections referred to as the principal Act). 35

54. The Minister may, by arrangement with, and at the expense of, the owner or the occupier of any farm lands, whether privately owned or not, carry out such works as he thinks fit for the purpose of improving those lands: 40

Provided that no work shall be done under the authority of this section until the estimated cost of that work has been paid to the Minister.

Section 41 of principal Act amended as to imprisonment in default of payment of fine.

This section and next four sections to form part of Public Works Act, 1928.

See Reprint of Statutes, Vol. VII, p. 622

Improvement of farm lands.

55. (1) The power conferred by the principal Act on the Minister or a local authority, as the case may be, to take or contract for the purchase of land for a public work shall include the power—

Power to take particular estates or interests or land subject thereto.

5 (a) To take or contract for the purchase of and to hold the land subject to any particular estate, interest, easement, *profit à prendre*, or encumbrance to which the land is for the time being subject:

10 (b) To take or contract for the purchase of, separately, any particular estate or interest in the land, whether for the time being subsisting separately or not:

15 (c) To take or contract for the purchase of, separately, any easement or *profit à prendre* over the land, whether for the time being subsisting or not.

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

Repeal.

25 **56.** The period of twelve months after the execution of the works allowed by section forty-five of the principal Act for the making of any claim for compensation in respect of damage done may, on application made either before or after the expiration of that period, be extended by a Judge of the Supreme Court, upon or subject to such conditions as he thinks fit, to such period, not exceeding five years from the execution of the works, as the Judge thinks fit.

Time for claiming compensation for damage may be extended.

30 **57.** (1) Subject to the provisions of this section, the costs of an inquiry by a Compensation Court under Part III of the principal Act shall be in the discretion of the Court, which may direct to and by whom and in what manner those costs or any part thereof shall be paid.

Costs in claims for compensation. Cf. 9 & 10 Geo. V, c. 57, s. 5 (Imp.)

35 (2) Where the respondent has made an offer of any amount for compensation pursuant to the provisions of subsection one of section fifty-four of the principal Act and the compensation awarded does not exceed the amount so offered, the Court shall, unless for special reasons it thinks it proper not to do so, order the claimant to bear his own costs and to pay the costs of the respondent in so far as the costs of either party are incurred after the making of the offer.

(3) Where the *last preceding subsection* does not apply the Court shall, unless for special reasons it thinks it proper not to do so, order the respondent to bear his own costs and to pay the costs of the claimant. Without limiting the generality of the foregoing provision, it is hereby declared that the fact that the Court in any case considers that the amount claimed was unreasonably high, having regard to the compensation awarded, shall be a special reason that the Court may take into consideration for the purposes of this subsection. 5 10

Repeal.

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

Rating.

15

Section 27 of Rating Act, 1925, amended. See Reprint of Statutes, Vol. VII, p. 988

58. Section twenty-seven of the Rating Act, 1925, is hereby amended by omitting from subsection one the words "on the application of any local authority", and substituting the words "on application being made in that behalf". 20

River Boards.

River Boards may insure members against personal accident while engaged in duties.

59. It shall be lawful, and be deemed always to have been lawful, for any River Board from time to time to enter into contracts of insurance insuring members of the Board against loss from personal accident arising out of and in the course of the exercise of their powers or duties as members of the Board, and to pay the premiums payable in respect of such contracts. 25

Shorthand Reporters.

30

Official report to be in shorthand, and such parts as are directed to be transcribed. Ibid., Vol. II, p. 167

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

(2) The report to be made by the authorized reporter who attends any proceedings pursuant to an order made under section four of the principal Act shall be made in shorthand. Upon being directed so to do by the presiding Judge, Magistrate, or Justices, the authorized reporter shall, as soon as practicable, make or cause to be made in longhand writing, 35 40

typewriting, or in such other mode as may be directed, a transcription of the report or of so much thereof as may be directed.

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

(4) Section eleven of the principal Act is hereby amended by omitting the word "thereof", and substituting the words "(if any)". Consequential amendment.

10 *Wool Industry Promotion.*

61. (1) This section shall be read together with and deemed part of the Wool Industry Promotion Act, 1936 (in this section referred to as the principal Act). Changing name of New Zealand Wool Publicity Committee.

15 (2) The name of the body corporate established under the principal Act is hereby changed, and the body corporate shall hereafter be called the New Zealand Wool Council. 1936, No. 48.

20 (3) The change of name shall not affect any rights or obligations of the Council, or render defective any legal proceedings by or against the Council, and any proceedings that might have been continued or commenced against it by its former name may be continued or commenced against it by its new name.

25 (4) The principal Act is hereby consequentially amended as follows:—

(a) By omitting from section two the definition of the term "Committee", and substituting the following definition:—

30 " ' Council ' means the New Zealand Wool Council established under this Act: "

(b) By omitting from subsection one of section three the words " Publicity Committee ", and substituting the word " Council ":

35 (c) By omitting the word " Committee " wherever else it occurs, and substituting in each place the word " Council ".