

Hon. Mr. Mason

## STATUTES AMENDMENT

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A BILL INTITULED

AN ACT to amend certain Enactments 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, 1940. Short Title.

*Births and Deaths Registration.*

10 2. (1) This section shall be read together with and deemed part of the Births and Deaths Registration Act, 1924 (hereinafter in this section referred to as the principal Act).

Registration of death when body removed out of district or for anatomical examination. See Reprint of Statutes, Vol. VIII, p. 36 Ibid., Vol. V, p. 664

15 (2) Before the body of any deceased person is removed from the Registrar's district in which that person died for burial in any other district or is removed for the purposes of anatomical examination pursuant to Part II of the Medical Act, 1908, it shall be the duty of the undertaker or other person  
20 proposing to remove the body or to cause it to be removed, to inform the Registrar, according to the best of his knowledge and belief, within three days of the date of the death if in a borough or seven days in any other case, of the particulars required to be  
25 registered concerning the death, and to attend at the Registrar's office and sign the register:

Provided that the person so required to give information may, by writing under his hand, depute some person (being a person acquainted with and  
30 becoming responsible under the principal Act for the truth of the particulars required to be registered touching the death) to attend at the Registrar's office to inform the Registrar of the said particulars and to sign the register.

35 (3) Where in any case to which the *last preceding* subsection applies particulars concerning the death of any person are duly registered before the burial, the undertaker or other person having charge of the burial shall be relieved from the duty imposed by  
40 section twenty-eight of the principal Act; but nothing in this section shall relieve the undertaker or other person having charge of the burial from any other duty or liability under the principal Act.

(4) On the registration of any death pursuant to this section the certificate required by section thirty-four of the principal Act to be delivered to the undertaker or other person having charge of the burial shall be given by the Registrar to the person who attends at the Registrar's office to sign the register, and that person shall forward the certificate to the undertaker or other person having charge of the burial. 5

*By-laws.*

3. (1) This section shall be read together with and deemed part of the By-laws Act, 1910. 10

(2) A local authority may, in any case in which it is empowered to make by-laws relating to the issue of licenses, provide in any by-law that the licenses shall expire on a date specified in the by-law, and no license issued thereunder shall be invalid by reason that it is issued for a period less than one year. 15

(3) In any case where an annual fee in excess of five shillings is payable to a local authority in respect of a license issued by it under the authority of a by-law, that fee shall, where the license is issued for a period less than one year, be reduced by one-twelfth thereof for every complete month by which the term of the license is less than one year, but so as not in any case to be less than five shillings. 20

(4) Nothing in the last preceding subsection shall apply with respect to the fee payable under any by-law made under the authority of paragraph thirty-six of section three hundred and sixty-four of the Municipal Corporations Act, 1933. 25 30

*Chattels Transfer.*

4. Section two of the Chattels Transfer Act, 1924, is hereby amended by repealing paragraph (d) of the exceptions to the definition of the term "instrument", and substituting the following paragraph:— 35

"(d) Transfers or assignments of any ship or vessel or any share thereof if executed before the first day of October, nineteen hundred and forty, or if at the time of execution the ship or vessel is registered or required to be registered under the provisions of Part I of the Merchant Shipping Act, 1894 (Imperial):". 40

By-laws may provide for issue of licenses for part of a year. See Reprint of Statutes, Vol. V, p. 512

1933, No. 30

Definition of term "instrument" extended. See Reprint of Statutes, Vol. I, p. 632

57 & 58 Vict., c. 60 (Imp.)

5. Section nine of the Chattels Transfer Act, 1924, is hereby amended by omitting from subsection two the words "index of the names of grantees and grantees of instruments", and substituting the words "index in which he shall enter the names of the grantors of instruments by way of security and of the grantors and grantees of all other instruments".

Amendment of provision as to index to be kept.

*Coal-Mines.*

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

Exemptions from requirements as to certificated winding-engine-men.

(2) Subject to the provisions of this section, the Secretary of the Marine Department, on the recommendation of the Board of Examiners constituted under the Inspection of Machinery Act, 1928, may, for such periods and subject to such conditions as he thinks fit, exempt any winding-engine or winding machinery used for conveying persons along any inclined plane or level in any coal-mine from the requirements of section sixty-four of the principal Act and of any other enactment as to having a certificated winding-engine driver, if it is proved to his satisfaction that compliance with those requirements is unnecessary or would unduly stop the working of the winding-engine or winding machinery.

See Reprint of Statutes, Vol. V, p. 843 Ibid., p. 527

(3) It shall be a condition of any such exemption that the person having charge of the winding-engine or winding machinery shall be a person who is, or who is deemed to be, the holder of a certificate under section forty-nine of the Inspection of Machinery Act, 1928, and that he shall first undergo a practical test and generally satisfy the said Board of Examiners of his competency to be in charge of that winding-engine or winding machinery.

(4) Every such person shall for the purposes of section sixty-five of the principal Act be deemed to be a winding-engineman.

*Dairy Industry.*

7. Section two of the Dairy Industry Amendment Act, 1933, is hereby amended, as from the passing of that Act, by inserting, after paragraph (d), the following paragraph:—

Extension of power to make regulations. 1933, No. 51

“(dd) Authorizing the Board to conduct examinations of persons desirous of being so registered and to appoint examiners for that purpose :”.

*Education Reserves.*

Education reserves may in special cases be leased without competition. See Reprint of Statutes, Vol. IV, p. 1011

8. (1) In exercise of the powers conferred by section twenty-two of the Education Reserves Act, 1928, the Land Board charged with the administration of any education reserve or endowment may, with the consent of the Minister of Education, grant to the owner or lessee of any neighbouring land, without competition, a lease of the whole or of any part of such reserve or endowment if, having regard to the situation, configuration, or area of, or the means of access to, the said reserve or endowment or part thereof, as the case may be, the Board is of opinion that it is expedient to grant such lease. 5 10

(2) Where any land is leased under the *last preceding* subsection to the lessee of any other land comprised in an education reserve or endowment, the Board, in lieu of granting a separate lease, may incorporate the land disposed of under this section in the existing lease, and shall make such consequential adjustments in the existing lease as may be necessary in respect of rent and other matters, and thereupon the land so incorporated shall be held by the lessee upon the same tenure and upon the same terms and conditions and subject to the same rights, titles, interests, and encumbrances as the land originally comprised in the lease. 15 20 25

(3) Where any land is incorporated in a lease pursuant to the last preceding subsection, a certificate under the hand of the Commissioner of Crown Lands for the Land District in which the land is situated, setting forth such particulars as may be required by the District Land Registrar, shall be sufficient authority for the Registrar to make all proper entries on the memorandum of lease retained in his office and on the outstanding copy thereof in respect of the incorporation, and to do all such other things as may be necessary to give full effect to the incorporation. 30 35

*Fair Rents.*

9. (1) The Fair Rents Act, 1936, shall continue in force until the *thirtieth* day of *September*, nineteen hundred and forty-one, and shall then expire.

Duration of Fair Rents Act, 1936, extended.

5 (2) Section two of the Fair Rents Amendment Act, 1939, is hereby repealed.

1939, No. 14

10. Section two of the Fair Rents Act, 1936, is hereby amended by omitting from paragraph (a) the words " or attendance ".

Consequential repeal.

1939, No. 43

Definition of " dwelling-house " amended.

*Hanmer Crown Leases.*

11. Section fourteen of the Hanmer Crown Leases Act, 1928, is hereby amended by omitting from subsection one the word " prior ".

Section 14 of Hanmer Crown Leases Act, 1928, amended.

See Reprint of Statutes, Vol. IV, p. 860

*Hire-purchase Agreements.*

15 12. (1) Section twelve of the Hire-purchase Agreements Act, 1939, is hereby amended by inserting, after subsection one, the following subsections:—

Service of notices.

1939, No. 14

20 " (1A) If the person is absent from New Zealand, the notice or other document may be served as aforesaid on his agent in New Zealand. If he is deceased, it may be served as aforesaid on his personal representatives.

25 " (1B) If the person is not known, or is absent from New Zealand and has no known agent in New Zealand, or is deceased and has no personal representatives, the notice or other document shall be served in such manner as may be directed by an order of the Court."

(2) The said section twelve is hereby further amended by adding the following subsections:—

30 " (3) Notwithstanding anything in the foregoing provisions of this section, the Court may in any case make an order directing the manner in which any notice or other document is to be served, or dispensing with the service thereof.

35 " (4) This section does not apply to notices or other documents served in any proceedings in any Court.

40 " (5) For the purposes of this section the term ' the Court ' means the Supreme Court in any case where the goods the subject of the hire-purchase agreement are of a greater value than three hundred pounds, and means the Supreme Court or a Magistrate in any other case."

*Hospitals and Charitable Institutions.*

This section and next three sections to form part of Hospitals and Charitable Institutions Act, 1926.  
See Reprint of Statutes, Vol. III, p. 725

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

Remuneration of Chairman of joint committee under section 81 of Act.

Hospital Boards to furnish information when required.

13. This section and the next *three succeeding* sections shall be read together with and deemed part of the Hospitals and Charitable Institutions Act, 1926 (in those sections referred to as the principal Act).

14. It shall be lawful and be deemed to have always been lawful for any Hospital 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.

15. A joint committee established under section eighty-one of the principal Act may, with the concurrence of the contributory Boards, pay to its chairman an allowance by way of remuneration for his services. The amount of the allowance shall be from time to time determined by the joint committee, but it shall not in any year exceed the sum of one hundred pounds.

16. The Director-General may at any time by notice in writing require any Hospital Board to furnish to him such returns or other information as may be specified in the notice with respect to any institution under the control of the Board or to the management thereof or any matters connected therewith or generally with respect to the affairs of the Board, and it shall be the duty of the Board to furnish the returns or other information within such time as may be specified in the notice.

*Industrial and Provident Societies.*

Section 9 of Industrial and Provident Societies Act, 1908, and section 2 of Industrial and Provident Societies Amendment Act, 1919, amended.  
*Ibid.*, pp. 1036, 1053

17. (1) Section nine of the Industrial and Provident Societies Act, 1908, is hereby amended by omitting from the proviso to paragraph (e) the words "two hundred pounds", and substituting the words "three hundred pounds".

(2) Section two of the Industrial and Provident Societies Amendment Act, 1919, is hereby amended by omitting from subsection one the words "two hundred pounds" wherever they occur, and substituting in each case the words "three hundred pounds".



*Industrial Conciliation and Arbitration.*

18. (1) Section one hundred and eight of the Industrial Conciliation and Arbitration Act, 1925, is hereby amended by repealing subsection two, and  
 5 substituting the following subsection:—  
 “(2) Each such special meeting shall be convened either in manner provided by the rules or by publishing not less than seven days before the date of the meeting in a daily newspaper circulating in the district in which  
 10 the meeting is to be held, an advertisement stating the date, time, and place of the meeting and the resolutions to be proposed thereat. In all other respects the meeting shall be constituted and held in manner provided by the rules:  
 15 “ Provided that the proposal shall not be deemed to be carried unless a majority of all the members present at the meeting vote in favour of it.”  
 (2) Subsection two of section seven of the Industrial Conciliation and Arbitration Amendment Act (No. 2),  
 20 1937, is hereby consequentially repealed.

As to meetings held under section 108 of Industrial Conciliation and Arbitration Act, 1925. See Reprint of Statutes, Vol. III, p. 989

Repeal. 1937, No. 10

*Industrial Efficiency.*

19. This section and the next *three succeeding* sections shall be read together with and deemed part of the Industrial Efficiency Act, 1936 (in those sections  
 25 referred to as the principal Act).  
 20. In any case where regulations being made under section nine of the principal Act in relation to any plan do not affect the whole of the industry to which the plan relates, it shall be sufficient compliance with the  
 30 requirements of subsection six of that section if the material proposals contained in the regulations are submitted to and approved by a majority of the persons engaged in the branch or branches of the industry affected thereby or by persons employing a majority  
 35 of the workers engaged in that branch or those branches of the industry.  
 21. Section twenty-five of the principal Act is hereby amended by adding the following words: “ Such moneys may, without further appropriation than this  
 40 section, be expended upon purposes authorized by this Act.”

This section and next *three* sections to form part of Industrial Efficiency Act, 1936. 1936, No. 40 Approval of regulations affecting part of an industry.

Section 25 (as to application of moneys) amended.

Collection  
of fees  
by agents.

**22.** Section twenty-six of the principal Act is hereby amended, as from the passing of that Act, by inserting, after paragraph (h) of subsection two, the following new paragraph:—

“(hh) The appointment of agents to receive on behalf of the Bureau applications under Part III of this Act and to receive fees payable under this Act, the method of accounting for the fees, and the deduction from the fees by any such agent of such proportions or of such amounts as may be prescribed for expenses:”.

*Land.*

This section  
and next  
four sections  
to form  
part of  
Land Act,  
1924.

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

Provision for  
bringing down  
encumbrances  
when land  
is granted  
in exchange  
for land taken  
for roads.

**23.** This section and the next four succeeding sections shall be read together with and deemed part of the Land Act, 1924 (in those sections referred to as the principal Act).

**24.** (1) Any consent under subsection three or subsection four of section twelve of the principal Act to the proclamation of any land as a road may be given subject to the condition that other land (being land that may be so disposed of under the said section twelve) shall be granted or otherwise disposed of in exchange for the land to be proclaimed as a road, and (if the person giving the consent thinks fit) subject to the further condition that the other land shall be so granted or disposed of subject to any registered encumbrance, lien, or interest to which the land to be proclaimed as a road is subject.

(2) Where, in any case to which subsection eight of the said section twelve does not apply, any land that is subject to any registered encumbrance, lien, or interest is proclaimed as a road with the consent under the said subsection three or subsection four of the owner or body or persons in whom the land or the control thereof is vested and with the consent of the person entitled to the registered encumbrance, lien, or interest, and other land is granted or otherwise disposed of in exchange therefor, then, if the consents are subject to a condition to that effect, the other land shall be granted or disposed of subject to that registered encumbrance, lien, or interest.

(3) On the issue of a certificate of title for any land granted or otherwise disposed of subject to any registered encumbrance, lien, or interest as aforesaid, every instrument creating or evidencing or affecting that encumbrance, 5 lien, or interest, and all covenants and other provisions expressed or implied therein, shall be construed as if the land so granted or disposed of were the land or, as the case may be, part of the land to which the instrument relates.

10 (4) On the issue of a certificate of title for any land granted or otherwise disposed of subject to any registered encumbrance, lien, or interest as aforesaid, the District Land Registrar or the Registrar of Deeds shall enter in the appropriate Register and record on any relevant 15 instrument a memorial setting out the effect in the circumstances of the *last preceding* subsection.

(5) Notwithstanding anything to the contrary in subsection sixteen of the said section twelve of the principal Act, where any land that is subject to any 20 reservation or restriction is proclaimed as a road and any other land is granted or otherwise disposed of in exchange therefor under the said section twelve, then, unless in any case the Governor-General otherwise directs, the other land shall be granted or disposed of 25 subject to that reservation or restriction.

(6) The foregoing provisions of this section shall apply with respect to consents under subsection ten of the said section twelve to the taking of any land under that subsection as if they were consents under subsection 30 three or subsection four of the said section twelve to the proclamation of the land as a road.

25. (1) Section eighty of the principal Act is hereby amended by adding the following subsection:—

35 “(5) Notwithstanding anything to the contrary in subsection three of this section, in any case where the original lessee, licensee, or any other person is entitled in accordance with section eighty-two of this Act to receive payment of any amount in respect of the whole or any part of the value of the improvements, the Board 40 may with the prior consent of the person entitled to receive the payment allow the amount to be secured by way of mortgage to that person. Any such mortgage shall contain such provisions as the Board thinks fit.”

Value of improvements may be secured by mortgage to outgoing tenant.  
See Reprint of Statutes, Vol. IV, p. 660

(2) Section ninety-four of the principal Act as amended by section seven of the Land Laws Amendment Act, 1927, is hereby further consequentially amended by adding to subsection two the following words: "or with respect to a mortgage of any land given to any person pursuant to subsection five of section eighty of this Act". 5

Length of term of deferred-payment licenses.

See Reprint of Statutes, Vol. IV, p. 818

26. (1) Section three of the Land Laws Amendment Act, 1926, is hereby amended by omitting from paragraph (b) of subsection one the words "a period of thirty-four and a half years", and substituting the words "such period not exceeding thirty-four and a half years as may be fixed by the Board". 10

(2) Section six of the Land Laws Amendment Act, 1926, is hereby amended by inserting in paragraph (c) of subsection one, after the words "thirty-four and a half years", the words "or for such shorter period as may be agreed upon between the Board and the lessee". 15

Provision for establishment of fire districts for protection of gum lands, sand-dune areas, peat lands, and flax.

27. (1) For the purpose of securing the safety of gum lands, sand-dune areas, peat lands, and flax from damage by fire, the Minister may from time to time, by notice in the *Gazette*, on the recommendation of the Land Board of the district, declare any area, whether land of the Crown or any other land, to be a fire district. 20 25

(2) Any notice under this section may at any time be in like manner revoked or amended.

(3) With respect to any fire district constituted as aforesaid, the Minister may, by the notice constituting the district, or by a subsequent notice in the *Gazette*, declare that no person shall at any time, or during such periods as may be specified in the notice, set on fire or cause to be set on fire any timber (whether standing or not), flax, gorse, broom, lupin, or undergrowth, or any debris from forest operations or land-clearing operations, or any grass or other specially inflammable material, except pursuant to the written permit of the Commissioner of Crown Lands or of any officer authorized by him to act on his behalf. 30 35

(4) Every person who does any act in contravention of any notice under this section or without taking such precautions as may be prescribed by the Commissioner 40

of Crown Lands or by any officer authorized as aforesaid in any permit issued under the *last preceding* subsection commits an offence against this section and shall be liable to the same penalty as if he had  
 5 committed an offence against section forty of the principal Act.

(5) This section is in substitution for section nine of the Land Laws Amendment Act, 1932, and that section is hereby accordingly repealed:  
 10

Repeal and saving.  
 1932, No. 9

Provided that any notice issued under the authority of the said section nine and in force on the passing of this Act shall enure for the purposes of this section as if it had originated under this section and accordingly shall, where necessary, be deemed to have  
 15 so originated.

*Law Practitioners.*

28. (1) For the purposes of paragraph (e) of subsection two of section four of the Law Practitioners Act, 1931 (as enacted by section forty-five of the Law Practitioners Amendment Act, 1935), where (whether  
 20 before or after the passing of this Act) any solicitor has, during any war in which His Majesty may be engaged, become a member of the Forces and immediately before becoming a member of the Forces  
 25 was engaged in active practice as a solicitor or was engaged in employment as a managing clerk to a solicitor or in such other employment that if it had continued for five years he would have been qualified to be admitted as a barrister, he shall be deemed to  
 30 continue to be so engaged while he is a member of the Forces and for any period (not exceeding twelve months) elapsing between the date of his discharge from the Forces and the date of his resuming active practice as a solicitor or employment as a managing  
 35 clerk or other employment as aforesaid.

Qualifications of barristers modified as to service in His Majesty's Forces in time of war. See Reprint of Statutes, Vol. IV, p. 1061  
 1935, No. 20

(2) For the purposes of this section the expression "member of the Forces" means a person who is for the time being rendering continuous service as a member of any of His Majesty's Naval, Military, or  
 40 Air Forces.

*Marriage.*

Quaker  
marriages.  
See Reprint  
of Statutes,  
Vol. III, p. 826

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

(2) The provisions of the principal Act relating to the solemnization of marriages in the presence of an Officiating Minister shall not extend, and shall be deemed not to have extended, to any marriage solemnized (whether before or after the passing of this Act) in accordance with the marriage regulations of the religious Society of Friends, commonly called Quakers, or in accordance with those regulations except so far as they may require that marriages be solemnized at a place where public meetings for worship are regularly held:

Provided that no such marriage shall be solemnized unless notice of the intended marriage has been given as required by the principal Act and the Registrar's certificate prior to such marriage has been duly issued:

Provided also that every such marriage shall be solemnized with open doors at the place stated in the notice.

(3) Every marriage to which this section applies shall be as legal and valid as if solemnized under the principal Act before a Registrar, and accordingly shall for the purposes of that Act, wherever necessary, be deemed to have been so solemnized.

(4) A certificate of every such marriage solemnized after the passing of this Act duly signed by both the parties to the marriage and by two persons witnessing the marriage shall, within one month next following the solemnization thereof, be transmitted to the Registrar-General by the registering officer of the Society of Friends duly appointed to register the marriage or by the husband, stating the date and place of the marriage, and the name, designation, and usual residence of each of the parties thereto according to the form in the Sixth Schedule to the principal Act, with the necessary modifications.

(5) If a certificate is not transmitted as required by the *last preceding* subsection, the registering officer of the Society of Friends referred to in that subsection and the husband shall each be liable on summary conviction before a Magistrate or any two Justices to a fine not exceeding *twenty* pounds.

(6) Nothing in this section shall be construed to limit in any way the provisions of section forty-seven of the principal Act as to the validity of marriages.

10 (7) This section is in substitution for section thirty-three of the principal Act, and that section is hereby accordingly repealed: Repeal.

15 Provided that if a certificate of any marriage solemnized pursuant to that section has not been transmitted to the Registrar-General before the passing of this Act, the certificate shall be so transmitted as if this Act had not been passed.

*Massey Agricultural College.*

20 20. (1) This section shall be read together with and deemed part of the Massey Agricultural College Act, 1926.

(2) The Board of Governors of the Massey Agricultural College may from time to time, out of moneys received from the estate of the late Walter Henry Bailey and available for the general purposes of the College, make an advance on such terms and conditions as the Board thinks fit to any student of the College who, in the opinion of the Board, should be granted financial assistance to enable that student to complete the prescribed course of study for which he is enrolled at the College.

Power to grant loans to students of Massey Agricultural College. 1926, No. 68

*Mining.*

31. This section and the next *six succeeding* sections shall be read together with and deemed part of the Mining Act, 1926 (in those sections referred to as the principal Act).

35 32. Section forty-one of the principal Act is hereby amended by adding the following subsection:—

40 “(3) Where any unalienated Crown land within any district is insufficient in area for public sale, or is without legal access, or cannot be usefully occupied by any person other than an owner of neighbouring land, the Land Board of the Land District under the Land Act, 1924, in which the land is situated may, with

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

See Reprint of Statutes, Vol. V, p. 943  
Sale of Crown land to adjoining owners.

Ibid., Vol. IV, p. 622

the consent of the Warden and subject to the approval of the Governor-General, sell the land to any such owner without competition at such price and on such terms as the Board thinks fit:

“ Provided that no right to any minerals within the meaning of that Act under the surface of the land shall pertain to the purchaser: 5

“ Provided also that the estate of the purchaser in the land shall be subject to a reservation excepting those minerals from all claims or right of the purchaser, limiting his right to the surface soil of the land, and reserving a right of ingress, egress, and regress to all persons lawfully engaged in working any such minerals.” 10

Mining  
privileges  
not to be  
granted, &c.,  
in prescribed  
areas except  
with Minister's  
consent.

**33.** (1) Notwithstanding anything to the contrary in the principal Act, the Governor-General may from time to time, by Order in Council, declare in respect of any area specified in the Order in Council that no mining privilege or no mining privilege of any class specified in the Order shall be granted, transferred, or otherwise dealt with in any manner specified in the Order without the previous written consent of the Minister, and thereafter no mining privilege or, as the case may be, no mining privilege of any class so specified shall be granted, or, whether granted before or after the passing of this Act, shall be transferred or otherwise dealt with in any manner so specified without such consent as aforesaid. 20 25

(2) Any Order in Council under this section may from time to time in like manner be amended or revoked. 30

(3) The Minister, in his discretion, may refuse any application for his consent under this section or may grant the application wholly or partly, and either unconditionally or upon or subject to such conditions as he thinks fit. 35

Section 144  
(as to business  
and residence  
licenses)  
amended.  
1934, No. 26

**34.** (1) Section one hundred and forty-four of the principal Act is hereby amended by repealing the second proviso (as enacted by section fifteen of the Mining Amendment Act, 1934), and substituting the following proviso:— 40

“ Provided also that no business-site license or residence-site license shall be granted except with the previous consent in writing of the Minister and, subject



to the provisions of this Act, every such license shall be subject to such terms and conditions as the Minister thinks fit to impose.”

5 (2) Section fifteen of the Mining Amendment Act, 1934, is hereby repealed. **Repeal.**

10 **35.** (1) Subject to the provisions of this section, the licensee under every business-site license or residence-site license granted after the passing of this Act shall pay in respect of the license a license fee for every year of the term equal to four and one-half per centum of the unimproved value of the land to which the license relates. **License fees for business-site and residence-site licenses.**

15 (2) The annual license fee shall not in the case of any business-site license be less than three pounds and shall not in the case of any residence-site license be less than five shillings.

20 (3) For the purposes of subsection *one* of this section, the unimproved value of any land to which a license relates shall be fixed, as at the date the application for the license is filed in the office of the Registrar, by the Land Board for the Land District under the Land Act, 1924, within which the land is situated.

25 (4) Notwithstanding anything to the contrary in the principal Act or in any residence-site license, if the licensee under any such license granted before the passing of this Act carries on business on the land to which his license relates, the license fee in respect of the license shall be three pounds five shillings for every year of the term in which he so carries on business.

30 (5) This section is in substitution for paragraph (*d*) of section one hundred and forty-seven of the principal Act and paragraph (*a*) of section one hundred and forty-nine of that Act, and those paragraphs are hereby accordingly repealed. **Repeals.**

40 **36.** No mining privilege under the principal Act shall be liable to forfeiture or be deemed to be or to have been abandoned by operation of law at any time after the holder thereof has been called up for naval, military, or air service in connection with any war in which His Majesty may (whether before or after the passing of this Act) be engaged and before the expiration of six months after the termination of such service. **Protection of mining privileges in time of war.**

Extending  
section 47  
of Statutes  
Amendment  
Act, 1939  
(requiring  
consent to  
forfeiture of  
certain mining  
privileges).  
1939, No. 39

See Reprint  
of Statutes,  
Vol. V, p. 1063

**37.** (1) Section forty-seven of the Statutes Amendment Act, 1939, is hereby amended as follows:—

(a) By inserting, after the word “where”, the words “(whether before or after the passing of this Act)”:

(b) By omitting the word “are”, and substituting the words “have been”:

(c) By omitting the word “is”, and substituting the words “has been”.

(2) For the purposes of sections two hundred and thirty-four and two hundred and thirty-five of the principal Act, every instrument completed and registered as mentioned in section forty-seven of the Statutes Amendment Act, 1939, shall be deemed to be a mortgage to His Majesty of the mining privilege referred to in the instrument.

#### *Motor-vehicles.*

This section  
and next  
three sections  
to form  
part of  
Motor-vehicles  
Act, 1924.

*Ibid.*,  
Vol. VIII,  
p. 800

Date of  
expiry of  
annual licenses.

**38.** This section and the next three succeeding sections shall be read together with and deemed part of the Motor-vehicles Act, 1924 (in those sections referred to as the principal Act).

**39.** (1) Every license under section ten of the principal Act granted to take effect after the thirtieth day of June, nineteen hundred and forty-one, shall continue in force until the next succeeding thirtieth day of June, and shall then expire.

(2) Every such license granted to take effect during the month of June, nineteen hundred and forty-one, shall continue in force until the thirtieth day of June, nineteen hundred and forty-two, and shall then expire.

(3) Every such license granted to take effect on or before the thirty-first day of May, nineteen hundred and forty-one, shall continue in force until that date and shall then expire.

(4) The foregoing provisions of this section shall be read subject to any provisions of the principal Act or any other Act as to the cancellation or suspension of such licenses.

(5) The license fee for every license to which subsection two of this section relates shall be an amount greater by one-twelfth than the appropriate annual fee prescribed by the principal Act at the date of the issue of the license.

(6) This section is in substitution for section seven of the Motor-vehicles Amendment Act, 1927, and that section is hereby accordingly repealed.

**40.** (1) Every motor-driver's license granted under section twenty-one of the principal Act to take effect after the thirtieth day of June, nineteen hundred and forty-one, shall continue in force until the next succeeding thirtieth day of June, and shall then expire.

(2) Every such license granted to take effect during the month of June, nineteen hundred and forty-one, shall continue in force until the thirtieth day of June, nineteen hundred and forty-two, and shall then expire.

(3) Every such license granted to take effect on or before the thirty-first day of May, nineteen hundred and forty-one, shall continue in force until that date and shall then expire.

(4) The foregoing provisions of this section shall be read subject to any provisions of the principal Act or any other Act as to the cancellation or suspension of motor-drivers' licenses.

(5) The fee for every license to which subsection two of this section relates shall be five shillings and sixpence.

(6) This section is in substitution for section twelve of the Motor-vehicles Amendment Act, 1927, and that section is hereby accordingly repealed.

**41.** (1) For the purposes of paragraph (a) of subsection one of section four of the Motor-vehicles Amendment Act, 1934-35, the term "motor-spirits" has the same meaning as in Tariff item numbered 394 (7), and includes benzol and kerosene.

(2) The said paragraph (a) is hereby amended by omitting the words "within the meaning of the Motor-spirits Taxation Act, 1927", and substituting the words

Repeal.

Duration of motor-drivers' licenses.

Repeal.

Amendment of provisions relating to milcage tax. 1934-35, No. 53

“ which have been manufactured in New Zealand or on which Customs duties have been paid under Tariff item numbered 394 (7) ”.

(3) Clause four of the Second Schedule to the Motor-vehicles Amendment Act, 1934-35, is hereby amended 5 as follows:—

(a) By omitting the words “ any motor-vehicle of a type or types ”, and substituting the words “ motor-vehicles of any type or class ”:

(b) By adding the following: “ Any such Order in 10 Council may prescribe different rates of tax in respect of the same type or class of motor-vehicle in different circumstances.”

*Public Reserves, Domains, and National Parks.*

**42.** Section thirty-eight of the Public Reserves, 15 Domains, and National Parks Act, 1928, is hereby amended by adding the following subsection:—

“(3) Any local authority may from time to time out of its general fund or account contribute such sums as it thinks fit towards the cost of acquisition by the 20 Crown of any land for recreation purposes.”

**43.** Any National Park Board constituted under Part III of the Public Reserves, Domains, and National Parks Act, 1928, may expend for purposes not authorized by any Act or law for the time being in force any sum 25 or sums not amounting in the whole to more than fifteen pounds in any financial year.

*Public Works.*

**44.** (1) Where any land that is subject to any registered encumbrance, lien, or interest is purchased 30 or acquired and other land is granted to the person entitled under section ninety-nine of the Public Works Act, 1928, such other land may, with the consent of that person and of the person entitled to the encumbrance, lien, or interest, be granted subject to that 35 encumbrance, lien, or interest.

(2) On the issue of a certificate of title for any land granted subject to any registered encumbrance, lien, or interest as aforesaid, every instrument creating

Section 38 of Public Reserves, Domains, and National Parks Act, 1928, amended.

See Reprint of Statutes, Vol. VI, p. 1149

Unauthorized expenditure by National Park Boards.

Provision for bringing down encumbrances when land is granted in lieu of compensation.

Ibid., Vol. VII, p. 664

or evidencing or affecting that encumbrance, lien, or interest, and all covenants and other provisions expressed or implied therein shall be construed as if the land so granted were the land or, as the case may be, 5 part of the land to which the instrument relates.

(3) On the issue of a certificate of title for any land granted subject to any registered encumbrance, lien, or interest as aforesaid, the District Land Registrar or the Registrar of Deeds shall enter in the 10 appropriate Register and record on any relevant instrument a memorial setting out the effect in the circumstances of the *last preceding* subsection.

(4) Where any land that is subject to any reservation or restriction is purchased or acquired and other 15 land is granted to the person entitled under the said section ninety-nine, then, unless in any case the Governor-General otherwise directs, the other land shall be granted subject to that reservation or restriction.

#### *Scenery Preservation.*

20 **45.** In the case of any special Board constituted under section thirteen of the Scenery Preservation Act, 1908, the following provisions shall apply :—

(a) The funds of the Board shall consist of all moneys received by it under or by virtue of that Act 25 or in any other manner whatsoever in respect of the reserve under its control, and all such moneys shall forthwith after receipt by the treasurer or other proper officer of the Board be paid into such bank as the Board from time to time appoints to an account to be called 30 “The [*Name of Board*] Account” :

(b) The funds of the Board shall be applied in managing, administering, and improving the reserve under its control, and for no other 35 purpose :

(c) Within twenty-eight days after the close of each financial year ending on the thirty-first day of March, the Board shall cause to be prepared and submitted to the Audit Office for audit 40 a statement of assets and liabilities together with a statement of accounts (including a Receipts and Payments Account) showing

Accounts of special Boards controlling reserves under Scenery Preservation Act, 1908.

See Reprint of Statutes, Vol. VIII, p. 617

See Reprint  
of Statutes,  
Vol. VII, p. 10

fully the financial position of the Board at the close of the year; the accounts shall be audited by the Audit Office, which for that purpose shall have all the powers it has under the Public Revenues Act, 1926, in respect of public moneys; and the statements shall when duly audited be submitted to the Minister for the time being charged with the administration of the Scenery Preservation Act, 1908, accompanied by a report as to the operations of the Board for the year: 5 10

1932, No. 30

(d) The provisions of section twenty-seven of the Finance Act, 1932 (No. 2), shall apply with respect to the audit of the accounts of the Board as if it were a Board mentioned in paragraph (a) of section one hundred and twenty-four of the Public Revenues Act, 1926 15

*Shops and Offices.*

Provisions  
as to  
opening-hours  
and closing-  
hours of  
shops.

See Reprint  
of Statutes,  
Vol. III, p. 240

**46.** (1) This section shall be read together with and deemed part of the Shops and Offices Act, 1921-22 (hereinafter in this section referred to as the principal Act). 20

(2) Section sixty-nine of the principal Act is hereby amended by repealing subsection one (as enacted by section seventeen of the Shops and Offices Amendment Act, 1927), and substituting the following subsection:— 25

“(1) In any award relating to the employment of shop-assistants the Court of Arbitration may fix the hours of opening and the hours of closing on any working-day of all shops in any industry to which the award relates in any industrial district in which the award has effect, or in any specified part of any such district, irrespective of whether or not any assistants are employed in those shops.” 30

(3) For the purposes of subsection one of the said section sixty-nine as enacted by the *last preceding* subsection every occupier of a shop, whether employing assistants or not, shall be deemed to be an employer within the meaning of the Industrial Conciliation and Arbitration Act, 1925. 35 40

Ibid., p. 939

(4) The authority conferred on Magistrates by section nineteen of the Shops and Offices Amendment Act, 1927, is hereby extended to enable a Magistrate to grant exemption from any opening-hours fixed by any award, and all the provisions of that section shall apply accordingly.

See Reprint of Statutes, Vol. III, p. 285

(5) While the closing-hours of any shops in any industry in any separate district or combined district are fixed by an award, nothing in section thirty-two of the principal Act shall apply to shops in that industry in that district.

(6) This section is in substitution for section seventeen of the Shops and Offices Amendment Act, 1927, and that section is hereby accordingly repealed.

Repeal.

15 *State Fire Insurance.*

47. (1) This section shall be read together with and deemed part of the State Fire Insurance Act, 1908 (hereinafter in this section referred to as the principal Act).

State Fire Insurance Office may undertake marine insurance business.

(2) In addition to the business authorized by the principal Act, the State Fire Insurance Office may undertake the business of entering into contracts of marine insurance within the meaning of the Marine Insurance Act, 1908, in any cases where the intended place of departure or the intended destination, or both such places, are in New Zealand, the Cook Islands, or Samoa, and may also undertake any other class of insurance business which is commonly undertaken in New Zealand, the Cook Islands, or Samoa by companies carrying on the business of marine insurance.

Ibid., Vol. IV, p. 37  
Ibid., p. 135

(3) In relation to the classes of insurance business authorized by this section, the General Manager shall have the same powers of reinsurance as he has in respect of fire insurance; and generally all the provisions of the principal Act applying particularly to fire insurance, shall, so far as applicable, apply with respect to the classes of business authorized by this section.

*Stock-remedies.*

Section 8 of  
Stock-remedies  
Act, 1934  
(as to  
advertisements),  
amended.  
1934, No. 5

48. Section eight of the Stock-remedies Act, 1934, is hereby amended by omitting from the proviso to subsection two the words "with regard to the preventive or remedial properties claimed in respect of the stock-remedy". 5

*Tongariro National Park.*

Unauthorized  
expenditure  
by Tongariro  
National  
Park Board.  
1922, No. 31

49. The Tongariro National Park Board constituted under the Tongariro National Park Act, 1922, may expend for purposes not authorized by any Act or law for the time being in force any sum or sums not amounting in the whole to more than fifteen pounds in any financial year. 10

*Town-planning.*

This section  
and next two  
sections to  
form part of  
Town-planning  
Act, 1926.

See Reprint  
of Statutes,  
Vol. V, p. 488

Power to  
withdraw or  
modify any  
provisions of a  
town-planning  
scheme after  
an award of  
compensation.

50. This section and the next two succeeding sections shall be read together with and deemed part of the Town-planning Act, 1926 (in those sections referred to as the principal Act). 15

51. (1) Any local authority may at any time within one month after the date of an award of compensation under the principal Act in respect of the injurious affection of any land, buildings, or other improvements, give notice to the claimant of its intention to withdraw or modify all or any of the provisions of the scheme which gave rise to his claim for compensation. 20 25

(2) When such notice has been given the local authority shall, within three months from the date of the notice, submit for the approval of the Board a varying scheme carrying into effect such withdrawal or modification as aforesaid and upon the varying scheme as approved by the Board, with or without modifications, coming into operation and upon the payment by the local authority of the claimant's costs awarded by the Compensation Court, the award of the Court shall be discharged, without prejudice however to the right of the claimant to make a further claim for compensation under section twenty-nine of the principal Act in respect of the scheme as varied. 30 35

(3) No award of compensation under the principal Act in respect of the injurious affection of any land, buildings, or other improvements shall be enforceable, if notice has been given by the local authority under 40



subsection *one* of this section, until after the expiration of *three* months from the date of the notice, or, if within that period a varying scheme is submitted to the Board, until the scheme has either come into operation or  
5 been disapproved by the Board.

52. Any local authority may by special order and without taking the steps prescribed by sections nine to thirteen of the Local Bodies' Loans Act, 1926, raise a special loan for the purpose of meeting any claim for  
10 compensation for which the local authority is liable under any of the provisions of the principal Act.

Power to borrow money without poll of ratepayers for purposes of Town-planning Act, 1926.

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

*Transport Licensing.*

53. (1) Notwithstanding anything to the contrary in section twelve of the Transport Licensing Amendment  
15 Act, 1936, the Minister may in any case instead of determining any appeal under that section direct the Licensing Authority from whose decision the appeal has been made to reconsider the matter.

Minister may refer appeals back to Licensing Authorities. 1936, No. 9

(2) In any case where the Minister issues a direction  
20 under the *last preceding* subsection, the decision appealed against shall have no effect and the Licensing Authority shall again consider the matter as if no decision had previously been made, and, in any case to which section twenty-five of the Transport Licensing  
25 Act, 1931, or section six of the Transport Licensing Amendment Act, 1936, applies, as if no steps had been taken under those sections.

See Reprint of Statutes, Vol. VIII, p. 841

(3) Pending the reconsideration under this section of any matter which relates to a passenger-service  
30 license, the holder of the license may, subject to any limitations or conditions imposed by the Minister, carry on the service in the manner in which and to the extent to which he was lawfully carrying it on at the time when the decision appealed against was given.

35 (4) Whenever the Minister directs a Licensing Authority to reconsider a matter he shall advise the Licensing Authority of his reasons for so doing and the Licensing Authority in reconsidering the matter shall have regard thereto.

(5) This section shall be deemed to have come into force on the *fifteenth* day of *August*, nineteen hundred and *forty*.

(6) For the purposes of section forty-seven of the Transport Licensing Act, 1931, this section shall be deemed to form part of Part II of that Act. 5

*Valuation of Land.*

Amendment of valuation on subdivision of land.

See Reprint of Statutes, Vol. VII, p. 1034

54. The powers conferred by section ten of the Valuation of Land Act, 1925, on the Valuer-General in consequence of any subdivision of land shall be deemed to authorize him to make fresh valuations of the separate parcels of any subdivided land if he is of opinion that, by reason of the subdivision or of any alienation upon subdivision, the value of the parcels would not be correctly represented by an apportionment of the valuation then in force and that such fresh valuations would preserve uniformity with existing roll values of comparable parcels of land. 10 15

*Wages Protection and Contractors' Liens.*

The giving of notice of lien to mortgagee. 1939. No. 27

Duty to retain one-fourth of monies payable.

55. Section twenty-five of the Wages Protection and Contractors' Liens Act, 1939, is hereby amended, as from the commencement of that Act, by omitting from subsection three the words "notice of the lien", and substituting the words "written notice of the lien or of registration of the lien against the title to the land". 20 25

56. Section thirty-two of the Wages Protection and Contractors' Liens Act, 1939, is hereby amended, as from the commencement of that Act, as follows:—

(a) By omitting the words "one-fourth of the contract price payable by him": 30

(b) By adding the words "one-fourth of so much of the contract price as has for the time being become immediately payable or as would be so payable but for a provision inserted in the contract or subcontract to secure its retention in conformity with this Act". 35

*Westland and Nelson Coalfields Administration.*

57. Section five of the Westland and Nelson Coalfields Administration Amendment Act, 1926, is hereby amended by omitting from subsection one the word "prior".

Section 5 of Westland and Nelson Coalfields Administration Amendment Act, 1926, amended. 1926, No. 66

*Workers' Compensation.*

58. Section three of the Workers' Compensation Act, 1922, is hereby amended by adding thereto the following subsection :—

Section 3 of Workers' Compensation Act, 1922, amended.

10 " (5) For the purposes of this Act, an accident resulting in the death or serious and permanent disablement of a worker shall be deemed to arise out of and in the course of his employment, notwithstanding that the worker was at the time when the accident happened acting in contravention of any Act or of any statutory  
15 or other regulation applicable to his employment, or of any orders given by or on behalf of his employer, or that he was acting without instructions from his employer, if such act was done by the worker for the purposes of and in connection with his employer's trade  
20 or business."

See Reprint of Statutes, Vol. V, p. 599 15 & 16 Geo. V, c. 84, s. 1 (2) (Imp.)

59. Section twenty-one of the Workers' Compensation Act, 1922, is hereby amended as follows :—

Warden may award compensation in certain cases.

25 (a) By inserting, after the words "Magistrate's Court", the words "or in the Warden's Court":  
(b) By inserting, after the word "Magistrate", the words "or the Warden, as the case may be,".

See Reprint of Statutes, Vol. V, p. 617