

# STATUTES AMENDMENT BILL

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## EXPLANATORY NOTES

### *Administration*

*Clause 2:* Succession to married women and infants in certain cases.—There are many New Zealand women still living in this country who are married to United States servicemen or to refugees or others from foreign States. Under the present law the movable property in New Zealand belonging to these women and to their infant children devolves on their death according to the law of the husband's domicile. The present section provides that in these circumstances the property shall devolve in the event of death in accordance with New Zealand law.

### *Bankruptcy*

*Clause 3:* Amending provisions as to protection in case of fraudulent preference by bankrupt.—This clause follows the English law (on which the New Zealand Bankruptcy Act is based) and replaces the present legislation which provides that in the case of a fraudulent preference by a bankrupt a creditor preferred is protected if he acts in good faith and for valuable consideration. The purpose of the clause is to give the protection to persons claiming through a creditor and not to the creditor himself.

### *Contributory Negligence*

*Clause 4:* Contributory Negligence Act, 1947, to bind the Crown.—Although, in a suit against the Crown, the Court is required by section 30 of the Crown Suits Act, 1908, to give such judgment as it would give in an action between subject and subject, the question has been raised whether, in view of section 5 (k) of the Acts Interpretation Act, 1924, this is sufficient to enable the Court to apportion damage in such cases according to the rules set out in the Contributory Negligence Act, 1947. This clause removes the doubt.

### *Control of Prices*

*Clause 5:* Offences under Control of Prices Act, 1947, to be triable summarily.—The purpose of this clause is to provide for the summary trial under the Justices of the Peace Act, 1927, of persons charged with offences under the Control of Prices Act, 1947.

### *Counties*

*Clause 6:* Conferring additional powers on County Councils as to sanitation charges.—Under section 123 of the Counties Act, 1920, a County Council may levy a separate rate on properties on which houses are erected to cover the cost of the cleansing of closets or privies (not connected with a public drain) where this service is provided by the Council. The section also provides that instead of levying a separate rate the Council may levy a uniform annual charge in respect of each property. The purpose of this clause is to confer on County Councils the same power as City and Borough Councils have—namely, to levy the charge in respect of each pan.

*Clause 7:* County Councils authorized to provide paddocks for driven cattle.—Under section 15 (2) of the Public Works Act, 1928, land may be taken by local authorities for the purpose of paddocking driven cattle. It has been held that this power cannot be exercised unless the local authority is otherwise authorized to incur expenditure for this purpose; but some Councils have already done so, and the validity of the expenditure has been questioned.

#### *Crimes*

*Clause 8:* Jurisdiction in respect of offences committed on aircraft outside New Zealand.—The purpose of this clause is to confer jurisdiction on the Courts in New Zealand to try offences committed outside the territorial limits of New Zealand by any person on a New Zealand aircraft, or by a New Zealand citizen on a foreign aircraft. This clause applies to aircraft substantially the same provisions as apply in respect of offences committed on ships.

#### *Criminal Appeal*

*Clause 9:* Amending provisions as to legal assistance to appellants.—The purpose of this clause is to authorize the Court of Appeal to assign a solicitor and counsel, or counsel only, to an accused person in cases where a case is stated for the opinion of the Court of Appeal under the Crimes Act, 1908, and in cases where an application is made for the exercise of the Crown's prerogative of mercy; and to authorize the making of regulations prescribing the fees payable to a solicitor or counsel assigned to an appellant and the expenses of witnesses and others on any appeal.

#### *Dairy Industry*

*Clause 10:* Extension of powers to regulate dairy industry.—The purpose of this clause is to enable regulations to be made laying down standards of quality, purity, and composition in respect of dairy-produce intended for export, prohibiting or restricting the transfer of supplies to another factory by a supplier or by the owner of a dairy factory during the season and also during the off-season, and to enable grading charges to be recovered by way of a levy on dairy-produce manufactured instead of making a charge for dairy-produce actually graded.

#### *Distillation*

*Clause 11:* Spirit distilled under wine-still licence may be used to fortify wines made from any fruit.—The spirit distilled from wine or the lees of wine under a wine-still licence may be used only for fortifying "wines" produced or manufactured on the vineyard of the licensee. "Wines" has been interpreted to mean wines made from grapes. This clause enables the spirit to be used for fortifying wine made by the licensee from other fruit.

#### *Dogs Registration*

*Clause 12:* Section 8 of the Dogs Registration Act, 1908 (as to fee to be appointed by local authority) amended.—Under the Dogs Registration Act, 1908, a local authority may register not more than three working dogs at a reduced fee not exceeding 2s. 6d. a dog. This clause provides that the local authority itself shall fix the number of working dogs that may be so registered, and raises the maximum fee to 3s. a dog.

#### *External Affairs*

*Clause 13:* Amending definition of term "overseas representative".—The purpose of this clause is to extend the definition of the term "overseas representative" so as to include a consular representative for New Zealand in any other country.

*Clause 14 : Regulations.*—The purpose of this clause is to empower the Governor-General to make regulations to give full effect to the provisions of the principal Act.

#### *Factories*

*Clause 15 :* Amending special provisions relating to newspapers.—This clause repeals the special definitions of the terms “holidays” and “Sundays” in their application to morning newspaper factories, and replaces them by new definitions which relate to all newspapers. A “day” will now be deemed to begin at noon on one day and end at noon on the next. Different meanings are given to the term “holiday” according to whether or not the newspaper is published on the holiday.

*Clause 16 :* Extending Minister’s power to consent to additional overtime.—This clause enables the Minister of Labour to consent to additional voluntary overtime by women in factories or by men or women in laundries up to a maximum of 80 hours in a year. The Minister’s consent may be subject to conditions as to medical examination, provision of meals and other amenities, &c.

#### *Fertilizers*

*Clause 17 :* Section 28 of Fertilizers Act, 1927 (as to regulations) amended.—Under paragraph (gg) of section 28 (1) of the Fertilizers Act, 1927, as enacted by section 4 of the amending Act of 1948, regulations may be made for the rationing of fertilizer by controlling its sale and distribution. Section 3 of the principal Act provides that nothing in the Act is to apply to sales of less than 5 cwt. Regulations under the new paragraph (gg) will be ineffectual if sales of less than 5 cwt. cannot be controlled.

#### *Fisheries*

*Clause 18 :* Officers commanding ships of His Majesty’s Navy to have powers of a fishery officer.—The purpose of this clause is to confer on every officer commanding a ship in His Majesty’s Naval Forces the powers of a fishery officer, as if he had been duly appointed an Inspector of Sea-fishing under section 4 of the Fisheries Act, 1908.

#### *Food and Drugs*

*Clause 19 :* Misleading advertisements.—Under section nine of the Food and Drugs Act, 1947, it is an offence for the seller of a food or drug to publish an advertisement relating to the food or drug if the advertisement contains particulars prohibited by regulations or is calculated or likely to deceive a purchaser as to the properties of the food or drug. The section is being evaded by the publication of advertisements relating to articles which do not in fact exist, but the advertisements are so worded as to lead readers to believe that they do relate to particular articles sold by the advertisers under almost identical trade-names. The advertisements contain statements not allowed to be made on packages in which the actual article is sold, and mislead readers as to the properties of that article. This clause brings such advertisements within section 9.

#### *Industrial and Provident Societies*

*Clause 20 :* Appointment of auditors.—At present a society may have its accounts audited either by one of the public auditors appointed by the Governor-General for the purpose under section 19 of the Act, or by two or more persons appointed by the society in accordance with its rules. In practice the public auditors appointed under section 19 are members of the New Zealand Society of Accountants. This clause abolishes the system of appointing public auditors and enables any society to appoint any member of the New Zealand Society of Accountants as auditor, while preserving the alternative right to make special provisions in its rules for any two or more persons to be appointed.

*Industrial Conciliation and Arbitration*

*Clause 21* : Provisions of award relating to rates of wages may have effect from date prior to award.—Subsection (8) of section 89 of the Industrial Conciliation and Arbitration Act, 1925, provides that in making its award the Court may, if in its discretion it thinks fit, direct that any provision of the award relating to the rate of wages to be paid shall have effect as from such date prior to the date of the award as the Court thinks fit. The clause in the Bill makes it mandatory for the Court to make the wages provision retrospective to the date fixed for the first hearing of the Conciliation Council unless it considers that in the particular circumstances a later date should be fixed.

*Clause 22* : Extension of time within which action may be commenced for recovery of arrears of wages payable under award or industrial agreement.—This clause extends the period for which arrears of wages payable under awards and industrial agreements may be recovered from twelve months to two years.

*Clause 23* : Enabling society of employers to be registered as New Zealand Union, or North or South Island Union, if all employers belong to society.—This clause enables a society of employers to be registered as a New Zealand, a North Island, or a South Island Union of employers, as the case may be, if all the employers engaged in the industry to which the application relates are members of the society.

*Clause 24* : Industrial union of workers may take action for penalty under section 2 of Industrial Conciliation and Arbitration Amendment Act, 1943.—This clause enables an industrial union of workers to commence proceedings for a penalty under section two of the Industrial Conciliation and Arbitration Amendment Act, 1943.

*Judicature*

*Clause 25* : Increasing number of Judges of Supreme Court.

*Law of Libel Amendment*

*Clause 26* : Qualified privilege in respect of publication of proceedings of inquiries held pursuant to rules of organization formed for control of boxing.—The purpose of this clause is to provide that a report of the proceedings of any inquiry held under the rules of any organization established for the control of boxing is to be privileged in the absence of proof of malice.

*Local Authorities (Members' Contracts)*

*Clause 27* : Section 3 of the Local Authorities (Members' Contracts) Act, 1934 (as to disqualifying contracts between local authorities and their members), amended.—The effect of this clause is that a member of a local body will be able to contract with his local authority in any financial year, without incurring disqualification, up to the following amounts: (a) £50 (instead of £10) in the case of a single contract; (b) £100 (instead of £25) altogether in the case of several contracts; and (c) £250 (instead of £50) in the aggregate if previously approved by the Audit Office.

*Masterton Licensing Restoration*

*Clause 28* : Empowering Pahiataua Licensing Committee to grant licence before next annual meeting.—Under section 6 (1) (a) of the Masterton Licensing Restoration Act, 1947, the Pahiataua Licensing Committee was empowered to grant any licence either at its annual meeting or at any quarterly meeting or special meeting held before June, 1948. The annual meeting in June, 1948, was adjourned until September to allow an applicant to bring his premises in Eketahuna up to a proper state of repair. The

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application then lapsed because in August the applicant died in an aircraft accident. A new application for the same premises cannot be considered until the annual meeting in June, 1949. This clause will allow the new application to be dealt with at the quarterly meeting in March, 1949, or at a special meeting before June, 1949.

#### *Masterton Licensing Trust*

*Clause 29:* Section 14 of the Masterton Licensing Trust Act, 1947 (as to disqualification of members), amended.—This clause is consequential on the raising of the limits, by clause 27 of this Bill, on the amounts of contracts which members of local authorities may make without disqualification under the Local Authorities (Members Contracts) Act, 1934. The limits specially provided for members of the Trust by the proviso to section 14 of the Masterton Act are higher than those in the 1934 Act, but are lower than those which will apply generally under clause 27 of this Bill.

*Clause 30:* Trust may establish separate bars for sale of liquor.—The new subsection (1A) inserted by this clause will enable the Masterton Licensing Trust to establish public bars separate from premises in which accommodation is provided. The new subsection (1B) repeats the existing proviso to section 32 (1) of the Act, with the additional exception of the separate bars.

#### *Meat-export Control*

*Clause 31:* Levy on meat exported from New Zealand.—The purpose of this clause is to provide for payment to the Meat-producers Board, while the suspension of section thirteen of the Meat-export Control Act, 1921-22, continues in force, of a levy on all meat exported from New Zealand, for the purpose of providing funds to enable the Board to carry out its functions.

#### *Mutual Fire Insurance*

*Clause 32:* Extension of powers of mutual fire-insurance associations.—Under the Mutual Fire Insurance Act, 1908, mutual fire-insurance associations are authorized to effect insurance with members of the association against loss or damage by fire and lightning in respect of farm property. Under section 2 of the Mutual Fire Insurance Amendment Act, 1913, their powers may be extended to include insurance or indemnity of members against liability to pay compensation or damages in respect of accidents to workers. This clause extends that section to insurance against accident or illness.

#### *New Zealand University*

*Clause 33:* Meetings of Senate.—This clause enables the Director of Education to be represented by a deputy at meetings of the Senate while he is absent from New Zealand.

*Clause 34:* Powers of Senate to grant degrees.—This clause empowers the Senate to confer the degree of Master of Dental Surgery.

*Clause 35:* Reconstitution of University Entrance Board.—The clause provides for a reconstitution of this Board.

#### *Oil in Territorial Waters*

*Clause 36:* Penalty for discharge of oil into territorial waters.—The purposes of the present section are—(a) to impose an absolute liability where oil escapes into territorial waters, and to avoid the necessity of proving that the person responsible had the intent of allowing it to escape; (b) to enable all persons concerned in the transfer of oil from a ship to another ship or to the shore to be proceeded against and

convicted together if oil is discharged or escapes into territorial waters during the operation, and to place on each of the persons joined in the proceedings the onus of proving that he was not responsible for the discharge or escape where it is proved that one of them must be responsible.

*Clause 37*: This clause provides for amendments consequent on the provisions of clause 36.

#### *Police Offences*

*Clause 38*: Use of emblem, seal, or name of United Nations and other organizations.—This clause re-enacts section 48 of the Statutes Amendment Act, 1947, which prohibits the use of the emblem, seal, or name of United Nations for purposes of trade or business. It extends the provisions contained in that section so as to enable the Governor-General to impose a like prohibition in respect of specialized agencies associated with the United Nations and other international authorities. This protection has been requested by the World Health Organization and is likely to be called for by other international organizations.

*Clause 39*: Exempting persons working on Sundays in connection with aerodromes or aircraft from penal provisions.—This clause exempts persons working on Sundays in connection with aerodromes or aircraft from the provisions of the Police Offences Act, 1927. It replaces section 30 of the Transport Licensing (Commercial Aircraft Services) Act, 1934.

#### *Political Disabilities Removal*

*Clause 40*: Passing of resolutions under Political Disabilities Removal Act, 1936.—Section 4 of the Political Disabilities Removal Act, 1936, permits certain associations to apply part of their funds for the furtherance of political objects on a resolution of the majority of the members passed on a ballot taken in accordance with the rules. The effect of this clause is that a majority of the votes cast at such a ballot will be sufficient.

#### *Poor Prisoners' Defence*

*Clause 41*: Legal aid in appeals from Justices.—The purpose of this clause is to enable free legal aid to be given to persons appealing to the Supreme Court against a summary conviction, order, or sentence under the Justices of the Peace Act, 1927.

#### *Rating*

*Clause 42*: Section 36 of Rating Act, 1925 (as to amendment of annual value roll) amended.—Section 36 (2) of the Rating Act, 1925, provides that where the system of rating on the annual value is in force the valuation of property on the roll may be altered during the currency thereof where buildings have been added to or removed. Local authorities have been advised that where alterations or conversions of buildings have been made affecting the value, such as conversion of residences into flats, the roll values cannot be amended until the valuation roll comes up for periodical review. This clause authorizes amendments to be made in the roll in such cases.

#### *Rotorua Borough*

*Clause 43*: Provision as to charges for water supply in the Rotorua Borough.—Under an agreement made between the Crown and the Rotorua Borough Council the waterworks in the Borough of Rotorua, formerly under the control of the Department of Tourist and Health Resorts, have been transferred to the Council. When the agreement was entered into, the Council undertook to maintain the water charges on the same basis as before. It is unable to carry out this undertaking under the powers conferred by the Municipal Corporations Act, 1933. This clause confers the additional powers required by the Council.

*Shops and Offices*

*Clause 44* : Amending section 19 of Shops and Offices Amendment Act, 1927 (as to exemptions from closing-hour provisions).—The effect of this clause is as follows :  
*Para. (a)* : Notice of an application for exemption from the prescribed closing-hours is to be sent to the Inspector of Factories and to the union of workers and union of employers affected. *Para. (b)* : Each union is given the right to appear and be heard on the application. *Para. (c)* : Instead of being bound to make an order if he is of opinion that the exemption applied for will not “substantially” affect the business of any other shop, the Magistrate will be bound to make an order if he is of opinion that it will not “unfairly” affect that other business. *Para. (d)* : Each union will have the same right to apply for cancellation or variation of an order as any occupier of a shop affected by the order. *Para. (e)* : This makes it clear that an exemption order continues to apply to a shop notwithstanding a change of occupier or the making of a new award, but ceases to apply if there is a change in the class of business carried on in the shop.

*Valuation of Land*

*Clause 45* : While Servicemen’s Settlement and Land Sales Act, 1943, remains in force, valuation of land to conform to basic value under that Act.—The purpose of this clause is to provide that so long as the Servicemen’s Settlement and Land Sales Act, 1943, remains in force, valuations made under the Valuation of Land Act, 1925, shall not exceed the basic value of the land under the first mentioned Act.

*Clause 46* : Procedure as to objections.—The purpose of this clause is to provide for the procedure to be followed by the Valuer-General in dealing with objections to altered valuations. The clause authorizes him to allow or disallow an objection, to compromise it, or to refer it to the Land Valuation Court. The Valuer-General’s decision is to be final, unless the objector or owner of the land gives notice within twenty-one days after being advised of the decision that he requires the objection to be heard by the Land Valuation Court.

*Workers’ Compensation*

*Clause 47* : In assessing compensation, no account to be taken of any gain to dependants consequent on the death of a deceased worker.—The purpose of this clause is to provide that in the case of a claim by a dependant of a deceased worker no account shall be taken in assessing compensation of any benefit to the dependant in consequence of the death of the deceased worker. This clause applies to claims for compensation under the Workers’ Compensation Act, 1922, the same provisions as apply by virtue of section 7 of the Law Reform Act, 1936, in the case of a claim for damages under the Deaths by Accident Compensation Act, 1908.

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

*House of Representatives,*

*2nd December, 1948.*

*Hon. Mr. Mason*

## STATUTES AMENDMENT

### ANALYSIS

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	19. Misleading advertisements.

*Industrial and Provident Societies*

20. Appointment of auditors.

*Industrial Conciliation and Arbitration*

21. Provisions of award relating to rates of wages may have effect from date prior to award.

22. Extension of time within which action may be commenced for recovery of arrears of wages payable under award or industrial agreement.

23. Enabling society of employers to be registered as New Zealand Union, or North or South Island Union, if all employers belong to society.

24. Industrial union of workers may take action for penalty under section 2 of Industrial Conciliation and Arbitration Amendment Act, 1943.

*Judicature*

25. Increasing number of Judges of Supreme Court.

*Law of Libel Amendment*

26. Qualified privilege in respect of publication of proceedings of inquiries held pursuant to rules of organization formed for control of boxing.

*Local Authorities (Members' Contracts)*

27. Section 3 of Local Authorities (Members' Contracts) Act, 1934 (as to disqualifying contracts between local authorities and their members) amended.

*Masterton Licensing Restoration*

28. Empowering Pahiatua Licensing Committee to grant licence before next annual meeting.

*Masterton Licensing Trust*

29. Section 14 of Masterton Licensing Trust Act, 1947 (as to disqualification of members), amended.

30. Trust may establish separate bars for sale of liquor.

*Meat-export Control*

31. Levy on meat exported from New Zealand. Repeal.

*Mutual Fire Insurance*

32. Extension of powers of Mutual Fire Insurance Associations.

*New Zealand University*

33. Meetings of Senate.

34. Powers of Senate to grant degrees.

35. Reconstitution of University Entrance Board. Repeals. Commencement.

*Oil in Territorial Waters*

36. Penalty for discharge of oil into territorial waters.

37. Consequential amendments.

*Police Offences*

38. Use of emblem, seal, or name of United Nations and other organizations. Repeal.

39. Exempting persons working on Sundays in connection with aerodromes or aircraft from penal provisions. Consequential repeal.

*Political Disabilities Removal*

40. Passing of resolutions under Political Disabilities Removal Act, 1936.

*Poor Prisoners' Defence*

41. Legal aid in appeals from Justices.

*Rating*

42. Section 36 of Rating Act, 1925 (as to amendment of annual value roll) amended.

*Rotorua Borough*

43. Provision as to charges for water supply in the Rotorua Borough.

*Shops and Offices*

44. Amending section 19 of Shops and Offices Amendment Act, 1927 (as to exemptions from closing-hour provisions).

*Valuation of Land*

45. While Servicemen's Settlement and Land Sales Act, 1943, remains in force, valuations of land to conform to basic value under that Act.

46. Procedure as to objections. Commencement.

*Workers' Compensation*

47. In assessing compensation, no account to be taken of any gain to dependants consequent on the death of a deceased worker.

## A BILL INTITULED

AN ACT to Amend Certain Enactments of the General Title.  
Assembly of New Zealand.

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

1. This Act may be cited as the Statutes Amendment Short Title.  
Act, 1948.

*Administration*

- 10    **2.** (1) This section shall be read together with Succession to  
and deemed part of the Administration Act, 1908 (in married  
this section referred to as the principal Act). women and  
          (2) Notwithstanding anything to the contrary in infants in  
the principal Act or in any other Act or in any rule certain cases.  
15 of law, where any person to whom this section applies See Reprint  
dies intestate in respect of any movable property in of Statutes,  
New Zealand, the succession to and distribution of that Vol. III, p. 128  
property shall be determined in all respects as if that  
20 any such person dies leaving a will made in New  
Zealand either before or after the passing of this Act,  
the validity and construction of that will as far as it  
affects movable property in New Zealand, and the  
capacity of that person to make the will affecting that  
25 property, shall be determined in all respects as if that  
person had been domiciled in New Zealand at the date  
of the will and had continued to be so domiciled until  
his or her death.
- (3) This section shall apply to the following  
30 persons:—
- (a) Every married woman who dies after the thirty-  
first day of December, nineteen hundred and  
35 and acquire a domicile distinct from that of  
her husband:
- (b) Every infant who dies in New Zealand after  
40 the thirty-first day of December, nineteen  
hundred and forty-eight, and whose mother  
would be domiciled in New Zealand at the  
death of the infant or the mother, whichever  
first occurs, if the mother could retain and  
acquire a domicile distinct from that of her  
husband.

See Reprint  
of Statutes,  
Vol. VII,  
p. 354

(4) The local situation of any movable property shall be determined for the purposes of this section in the same manner as it is determined for the purposes of the Death Duties Act, 1921.

(5) Nothing in this section shall cause any property outside New Zealand to be included in the dutiable estate of any deceased person for the purposes of the Death Duties Act, 1921, if that property would not otherwise be included therein.

### *Bankruptcy*

Amending  
provisions as  
to protection  
in case of  
fraudulent  
preference by  
bankrupt.

Ibid.,  
Vol. I, p. 509

Cf. Bankruptcy  
Act, 1914 (4 & 5  
Geo. 5, c. 59),  
(U.K.), s. 44  
(2)

Contributory  
Negligence Act,  
1947, to bind  
the Crown.  
1947, No. 3

3. Section seventy-nine of the Bankruptcy Act, 1908, is hereby amended by repealing subsection three, and substituting the following subsection:—

“(3) This section shall not affect the rights of any person making title in good faith and for valuable consideration through or under a creditor of the bankrupt.”

### *Contributory Negligence*

4. The Contributory Negligence Act, 1947, is hereby amended by adding the following section:—

“7. This Act shall bind the Crown.”

### *Control of Prices*

Offences under  
Control of  
Prices Act,  
1947, to be  
triable  
summarily.  
1947, No. 51

5. The Control of Prices Act, 1947, is hereby amended as follows:—

(a) By inserting in section twenty-six, after the words “shall be liable”, the words “on summary conviction”:

(b) By inserting in section thirty-eight, after the words “shall be liable”, the words “on summary conviction”.

### *Counties*

Conferring  
additional  
powers on  
County Councils  
as to sanitation  
charges.

See Reprint  
of Statutes,  
Vol. V, p. 224

6. Section one hundred and twenty-three of the Counties Act, 1920, is hereby amended by adding to subsection two the following proviso:—

“Provided that any such annual charge in respect of the cleaning of closets or privies may be a uniform charge for each pan in such closets or privies.”

7. Section two hundred and three of the Counties Act, 1920, is hereby amended by inserting, after subsection one, the following subsection:—

County Councils authorized to provide paddocks for driven cattle. See Reprint of Statutes, Vol. V, p. 258

5 “(1A) The Council may expend moneys in the purchase or acquisition of land for the purpose of paddocking driven cattle.”

*Crimes*

8. The Crimes Act, 1908, is hereby amended by inserting, after section four, the following new section:—

Jurisdiction in respect of offences committed on aircraft outside New Zealand.

10 “4A. (1) In this section, unless the context otherwise requires,—

“‘Foreign aircraft’ means any aircraft within the meaning of the Civil Aviation Act, 1948, which is not a New Zealand aircraft:

Ibid., Vol. II, p. 184 1948, No. 12

15 “‘New Zealand aircraft’ means any aircraft within the meaning of the Civil Aviation Act, 1948, which is registered in New Zealand under that Act, and includes any aircraft within the meaning of that Act which is for the time being used as an aircraft of the

20 Royal New Zealand Air Force.

“(2) Where any person—

25 “(a) Is charged with having committed any offence (whether a crime or not) on board any New Zealand aircraft outside the territorial limits of New Zealand; or

30 “(b) Being a New Zealand citizen, is charged with having committed any offence (whether a crime or not) on board any foreign aircraft outside the territorial limits of New Zealand—

and that person is found within the jurisdiction of any Court in New Zealand which would have had cognizance of the offence if it had been committed in New Zealand

35 within the limits of its ordinary jurisdiction, that Court shall have jurisdiction to try the offence as if it had been so committed.”

*Criminal Appeal*

9. (1) Section ten of the Criminal Appeal Act, 1945, is hereby amended by adding the following as subsection two thereof:—

Amending provisions as to legal assistance to appellants. 1945, No. 23

“(2) For the purpose of the last preceding subsection and of section thirteen of this Act, the term ‘appellant’ includes an accused person in respect of

whose trial a case is stated for the opinion of the Court of Appeal under section four hundred and forty-two or section four hundred and forty-three of the principal Act, and a convicted person in respect of whom an application to the Governor-General for the exercise of the mercy of the Crown is referred to the Court of Appeal under section seventeen of this Act; and the term 'appeal' has a corresponding meaning." 5

(2) Section thirteen of the Criminal Appeal Act, 1945, is hereby amended by omitting from subsection two the words "up to an amount allowed by the Court, but subject to any regulations as to rates and scales of payment". 10

(3) The said section thirteen is hereby further amended by adding the following subsection:-- 15

"(3) The Governor-General may from time to time, by Order in Council, make regulations prescribing the fees payable to any solicitor or counsel assigned to an appellant under this Act, and the rates and scales of payment of the expenses of witnesses and other expenses referred to in the last preceding subsection". 20

#### *Dairy Industry*

10. (1) This section shall be read together with and deemed part of the Dairy Industry Act, 1908 (in this section referred to as the principal Act). 25

(2) In addition to the matters specified in section twenty-three of the principal Act, and without in any way limiting the generality of the authority to make regulations conferred by that section, it is hereby declared that regulations may be made thereunder for all or any of the following purposes namely:-- 30

(a) Prescribing standards of quality, purity, and composition in respect of any dairy-produce intended for export or of any ingredient or component part thereof: 35

(b) Imposing levies on persons carrying on the manufacture of dairy-produce or on any class of such persons, for the purpose of defraying the cost of grading any such dairy-produce. 40

Extension of powers to regulate dairy industry.

See Reprint of Statutes, Vol. I, p. 78

*Distillation*

11. Section twelve of the Distillation Act, 1908, is hereby amended by inserting in subsection one, after the words "fortifying the wines", the words  
 5 "(being the produce of any fruit)".

Spirit distilled under wine-still licence may be used to fortify wines made from any fruit.

See Reprint of Statutes, Vol. IV, p. 183

*Dogs Registration*

12. Section eight of the Dogs Registration Act, 1908, is hereby amended as follows:—

- 10 (a) By omitting from paragraph (c) of the proviso the words "not exceeding three", and substituting the words "not exceeding such number as the local authority, by notification as aforesaid, may specify,"
- 15 (b) By omitting from the said paragraph (c) the words "two shillings and sixpence", and substituting the words "three shillings".

Section 8 of the Dogs Registration Act, 1908 (as to fee to be appointed by local authority) amended.

Ibid., Vol. I, p. 207

*External Affairs*

13. Section two of the External Affairs Act, 1943, is hereby amended by inserting in the definition of the  
 20 term "overseas representative", after the word "diplomatic", the words "or consular".

Amending definition of term "overseas representative".

1943, No. 5

14. The External Affairs Act, 1943, is hereby further amended by inserting, after section eleven, the following new section:—

Regulations.

25 "11A. (1) The Governor-General may from time to time, by Order in Council, make such regulations as may in his opinion be necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof.

30 "(2) Without limiting the general power hereinbefore conferred, it is hereby declared that regulations may be made under this section for all or any of the following purposes:—

35 "(a) Determining the conditions of service of overseas representatives and of officers appointed under section eight of this Act:

“(b) Authorizing the Minister to determine from time to time the fees to be taken in respect of any matter or thing done in the execution of his office by an overseas representative or by an officer appointed under section eight of this Act and the conditions upon which exemptions from or reductions of any such fees may be granted.” 5

*Factories*

Amending special provisions relating to newspapers. 1946, No. 3

15. Section thirty-two of the Factories Act, 1946, 10 is hereby amended by repealing subsection two, and substituting the following subsection:—

“(2) For the purposes of the foregoing provisions of this Act in their application to night workers in a newspaper factory— 15

“(a) The term ‘Sunday’ shall mean the period from noon on Sunday until noon on the following day; and a reference to any other day shall be read as a reference to the period from noon on that day until noon on the following day: 20

“(b) The term ‘holiday’ shall, where the newspaper is published on the holiday, mean the period from noon on the day of the holiday until noon on the following day, 25 and shall, where the newspaper is not published on the holiday, mean the period from noon on the day preceding the holiday until noon on the day of the holiday.” 30

Extending Minister's power to consent to additional overtime. 1946, No. 43

16. (1) Section twenty of the Factories Act, 1946, is hereby amended by repealing paragraph (c) of subsection two, and substituting the following paragraph:—

“(c) The extension shall not be more than ninety 35 hours in any year, except that the Inspector may in his discretion (having regard to the particular circumstances of the case) grant a warrant under the next succeeding section permitting the working of extended hours 40 (not exceeding thirty in any year) after the ninety hours in a year have been worked by any employee; and that the Minister may in his discretion, subject to such conditions as to medical examination, 45

provision of meals and other amenities, and such other conditions as he thinks fit, permit the voluntary working of further additional hours not exceeding eighty in any year; and ”.

5

(2) Section twenty-five of the principal Act is hereby amended by repealing paragraph (c) of subsection four, and substituting the following paragraph:—

10

“(c) The extension shall not be more than ninety hours in any year, except that the Inspector may in his discretion (having regard to the particular circumstances of the case) grant a warrant under this section permitting the working of extended hours (not exceeding thirty in any year) after the ninety hours in a year have been worked by any employee; and that the Minister may, in his discretion, subject to such conditions as to medical examination, provision of meals and other amenities, and such other conditions as he thinks fit, permit the voluntary working of further additional hours not exceeding eighty in any year; and ”.

15

20

25

*Fertilizers*

17. Section twenty-eight of the Fertilizers Act, 1927, as amended by section four of the Fertilizers Amendment Act, 1948, is hereby further amended by inserting, after subsection one, the following subsection:—

Section 28 of Fertilizers Act, 1927 (as to regulations), amended.

30

“(1A) Nothing in section three of this Act shall limit or in any way affect the power to make regulations conferred by paragraph (gg) of subsection one of this section.”

See Reprint of Statutes, Vol. I, p. 112 1948, No. 3

*Fisheries*

35

18. Section four of the Fisheries Act, 1908, is hereby amended by adding the following new subsection:—

Officers commanding ships in His Majesty's Navy to have powers of a fishery officer.

40

“(3) Every officer for the time being in command of a ship in His Majesty's Naval Forces shall have and may exercise, without further appointment, all the powers of a fishery officer under this Act, as if he had been duly appointed an Inspector of Sea-fishing under the provisions of subsection one of this section.”

See Reprint of Statutes, Vol. III, p. 346

*Food and Drugs*

Misleading  
advertisements.  
1947, No. 7

**19.** Section nine of the Food and Drugs Act, 1947, is hereby amended by inserting in subsection one, after the word "relating", the words "or calculated or likely to cause any person to believe that it relates". 5

*Industrial and Provident Societies*

Appointment  
of auditors.  
See Reprint  
of Statutes,  
Vol. III, p. 1049

**20.** (1) The Industrial and Provident Societies Act, 1908, is hereby amended by repealing section nineteen, and substituting the following new section:—  
"19. (1) Any registered society may from time to time appoint an auditor or auditors of the society. 10

"(2) No person shall be qualified for appointment under this section as auditor of a registered society unless he is a member of the New Zealand Society of Accountants. 15

"(3) Nothing in this section shall be construed to limit or affect in any way any provision in the rules of a registered society for the appointment, in accordance with those rules, of two or more persons as auditors of the society, and nothing in subsection two of this section shall apply to any person so appointed." 20

(2) The said Act is hereby consequentially amended as follows:—

(a) By omitting from subparagraph (iii) of paragraph (a) of section eight the words "to one of the public auditors appointed as hereinafter mentioned", and substituting the words "to an auditor or auditors appointed under section nineteen of this Act": 25

(b) By omitting from subparagraph (iv) of the said paragraph (a) the words "by a public auditor appointed as by this Act is provided, and by whom, and, if by any person other than a public auditor", and substituting the words "by an auditor or auditors appointed under section nineteen of this Act, and by whom, and, if by any person other than an auditor so appointed": 30 35

(c) By omitting from section twenty-one all words after the words "the purposes of this Act": 40

(d) By omitting from section twenty-three the words  
 “ or public auditor ”.

*Industrial Conciliation and Arbitration*

21. Section eighty-nine of the Industrial Conciliation  
 5 and Arbitration Act, 1925, is hereby amended by repeal-  
 ing subsection eight, and substituting the following  
 subsection:—

Provisions of  
 award relating  
 to rates of  
 wages may  
 have effect  
 from date  
 prior to award.  
 See Reprint  
 of Statutes,  
 Vol. III, p. 980

“(8) In making its award the Court shall direct  
 that any provision of the award relating to the rate  
 10 of wages to be paid shall have effect as from the date  
 first appointed for the hearing by the Conciliation  
 Council of the industrial dispute in respect of which the  
 award is made, or such other date as the Court, after  
 taking into consideration all relevant matters, including  
 15 any undue delay that may have been caused by any  
 party to the dispute between the date of the filing of the  
 application for the hearing of the dispute with the Clerk  
 of Awards and the date of the making of the award, in  
 its discretion, thinks fit:

20 “ Provided that in no case shall the date on which  
 the award or any part thereof is to become operative  
 be earlier than the date of the expiration of the currency  
 of any existing award or industrial agreement being  
 wholly or partially superseded by the award being  
 25 made under this section.”

22. (1) Section one hundred and forty-six of the  
 Industrial Conciliation and Arbitration Act, 1925, as  
 amended by section twenty-seven of the Industrial  
 Conciliation and Arbitration Amendment Act, 1936, is  
 30 hereby further amended by omitting the words “ twelve  
 months ”, and substituting the words “ two years ”.

Extension of  
 time within  
 which action  
 may be  
 commenced  
 for recovery  
 of arrears of  
 wages payable  
 under award  
 or industrial  
 agreement.  
 1936, No. 6  
 1943, No. 25

(2) Section four of the Industrial Conciliation and  
 Arbitration Amendment Act, 1943, is hereby amended  
 by omitting from subsection one the words “ within  
 35 twelve months after the day on which the moneys  
 became due and payable ”, and by adding to the same  
 subsection the following proviso:—

“ Provided that notwithstanding the provisions of  
 section one hundred and forty-one of the principal Act,  
 40 any proceedings under this section may be commenced  
 within two years after the day on which the moneys  
 became due and payable.”

(3) The extension of time for the commencement of actions provided for in this section shall apply in any case where the cause of action has arisen within two years before the commencement of this Act.

Enabling society of employers to be registered as New Zealand Union, or North or South Island Union, if all employers belong to society.

1936, No. 6  
1937, No. 10

**23.** (1) Section five of the Industrial Conciliation and Arbitration Amendment Act, 1936, is hereby amended by inserting in paragraph (a) of subsection one, after the words "applicant society", the words "has as its members all the employers engaged in the industry or related industries in New Zealand or".

(2) Section ten of the Industrial Conciliation and Arbitration Amendment Act, 1936, as amended by section nine of the Industrial Conciliation and Arbitration Amendment Act, 1937, is hereby further amended by inserting in the proviso to subsection one, after the words "industrial union of employers", the words "unless it has as its members all the employers engaged in the industry or related industries in the North Island, or in the South Island, or".

Industrial union of workers may take action for penalty under section 2 of Industrial Conciliation and Arbitration Amendment Act, 1943.

1943, No. 25

**24.** Section two of the Industrial Conciliation and Arbitration Amendment Act, 1943, is hereby amended by inserting in subsection one, after the words "Inspector of Awards", the words "or of the industrial union of workers to which the worker belonged at the time when the acts giving rise to the action for the recovery of the penalty were committed,".

Increasing number of Judges of Supreme Court.

1935, No. 18

**25.** Section two of the Judicature Amendment Act, 1935, is hereby amended by omitting from subsection one the word "nine", and substituting the word "ten".

#### Judicature

#### Law of Libel Amendment

Qualified privilege in respect of publication of proceedings of inquiries held pursuant to rules of organization formed for control of boxing.

See Reprint of Statutes, Vol. IV, p. 1099  
1933, No. 47

**26.** Section two of the Law of Libel Amendment Act, 1910, as amended by section two of the Law of Libel Amendment Act, 1933, is hereby further amended by adding to subsection one the following paragraph:—

"(g) A fair and accurate report of the proceedings in any inquiry held in accordance with the rules of any organization established for the control of boxing or of the result of any such proceedings."

*Local Authorities (Members' Contracts)*

27. Section three of the Local Authorities (Members' Contracts) Act, 1934, is hereby amended as follows:—

- 5 (a) By omitting the words "ten pounds", and substituting the words "fifty pounds":
- (b) By omitting the words "twenty-five pounds", and substituting the words "one hundred pounds":
- 10 (c) By omitting the words "fifty pounds", and substituting the words "two hundred and fifty pounds".

Section 3 of Local Authorities (Members' Contracts) Act, 1934 (as to disqualifying contracts between local authorities and their members) amended. 1934, No. 17

*Masterton Licensing Restoration*

28. Section six of the Masterton Licensing Restoration Act, 1947, is hereby amended by omitting from
- 15 paragraph (a) of subsection one the words "nineteen hundred and forty-eight", and substituting the words "nineteen hundred and forty-nine".

Empowering Pahiataua Licensing Committee to grant licence before next annual meeting. 1947, No. 31

*Masterton Licensing Trust*

29. Section fourteen of the Masterton Licensing Trust Act, 1947, is hereby amended by repealing the proviso to subsection two.

Section 14 of Masterton Licensing Trust Act, 1947 (as to disqualification of members) amended. 1947, No. 35

30. Section thirty-two of the Masterton Licensing Trust Act, 1947, is hereby amended by repealing the proviso to subsection one, and also by inserting, after
- 25 that subsection, the following subsections:—

"(1A) The Trust may establish and maintain bars for the sale of liquor in premises in which accommodation is not provided for the travelling public:

- 30 "Provided that nothing in this subsection shall be construed to limit or affect the duty of the Trust under this Act to provide premises for the accommodation of the travelling public.

Trust may establish separate bars for sale of liquor.

“(1B) Except in the case of any bar established pursuant to the last preceding subsection or of any premises established temporarily pursuant to the next succeeding section, liquor shall not be sold for consumption on the premises where it is sold unless the premises are of a standard at least equal to the standard required of premises in respect of which a licence under the Licensing Act, 1908, is in force.”

5

*Meat-export Control*

Levy on meat  
exported from  
New Zealand.  
See Reprint  
of Statutes,  
Vol. VIII,  
p. 649

31. (1) This section shall be read together with and deemed part of the Meat-export Control Act, 1921-22 (in this section referred to as the principal Act).

10

(2) The operation of section thirteen of the principal Act (which relates to a charge by way of levy on all meat exported from New Zealand) is hereby suspended.

15

(3) For the purpose of providing funds to enable the New Zealand Meat-producers Board to carry out its functions there shall from time to time, while the suspension imposed by the *last preceding* subsection continues in force, be paid to the Board out of moneys in the Meat Industry Account by way of levy on all meat exported from New Zealand after the thirtieth day of April, nineteen hundred and forty-eight, such charges as may from time to time be fixed by the Board, not exceeding the maximum charges prescribed in that behalf by regulations under the principal Act. All moneys payable under this subsection shall from time to time be paid to the Board without further appropriation than this subsection and shall form part of the funds of the Board.

20

25

30

(4) The Governor-General may at any time, by Order in Council, declare the suspension imposed by this section on the operation of the said section thirteen to be removed as from a date to be specified in that behalf in the Order in Council. As from the date so specified, the provisions of the said section thirteen shall operate accordingly and the provisions of the *last preceding* subsection shall cease to apply.

35

Repeal.  
1947, No. 60

(5) This section is in substitution for section forty-two of the Statutes Amendment Act, 1947, and that section is hereby accordingly repealed.

40

*Mutual Fire Insurance*

32. Section two of the Mutual Fire Insurance Amendment Act, 1913, is hereby amended by adding to subsection one the words "and to undertake insurance of their members against accident, disease, disability, or any change of mental or physical condition".

Extension of powers of Mutual Fire Insurance Associations. See Reprint of Statutes, Vol. IV, p. 36

*New Zealand University*

33. Section eight of the New Zealand University Amendment Act, 1926, is hereby amended by adding the following subsection:—

Meetings of Senate. Ibid., Vol. II, p. 1141

"(6) At any time while the Director of Education is absent from New Zealand, the Assistant Director of Education, or any other officer of the Department of Education authorized by either the Director or the Assistant Director in that behalf, may attend any meeting of the Senate in his stead, and while so attending shall be deemed for all purposes to be a member of the Senate. The fact that the Assistant Director of Education or any other officer of the Department so attends shall be sufficient evidence of his authority so to do."

34. Section ten of the New Zealand University Amendment Act, 1926, is hereby amended by omitting from subsection one the words "Bachelor and Doctor of Dental Surgery", and substituting the words "Bachelor, Master, and Doctor of Dental Surgery".

Powers of Senate to grant degrees.

35. (1) Section twenty of the New Zealand University Amendment Act, 1926, is hereby amended by repealing subsection three, and substituting the following subsection:—

Reconstitution of University Entrance Board.

"(3) On the thirty-first day of March, nineteen hundred and forty-nine, the members of the University Entrance Board then in office shall go out of office, and thereafter the University Entrance Board shall be constituted as follows:—

- "(a) The Vice-Chancellor of the University:
- "(b) Three members to be appointed by the Minister of Education:
- "(c) Six members to be elected by the Academic Board:
- "(d) Two members to be appointed by the New Zealand Secondary Schools' Association (Incorporated):

“(e) One member to be appointed by the New Zealand Technical School Teachers’ Association:

“(f) One member to be appointed by the Association of the Heads of the Registered Secondary Schools of New Zealand (Incorporated).” 5

1945, No. 40.

(2) The said section twenty, as amended by section sixty of the Statutes Amendment Act, 1945, is hereby amended by omitting from subsection six the words “paragraphs (d) and (e)”, and substituting the words “paragraph (c)”. 10

Repeals.

1944, No. 25

1945, No. 40

(3) Section forty-eight of the Statutes Amendment Act, 1944, and section sixty of the Statutes Amendment Act, 1945, are hereby consequentially repealed.

Commencement.

(4) This section shall come into force on the thirty-first day of March, nineteen hundred and forty-nine. 15

#### *Oil in Territorial Waters*

Penalty for discharge of oil into territorial waters.

See Reprint of Statutes, Vol. VIII, p. 480

**36.** (1) Section three of the Oil in Territorial Waters Act, 1926, is hereby amended by omitting from subsection one the words “allowed to escape”, 20 wherever those words occur, and substituting in each case the word “escapes”.

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

“(4) Where oil has been discharged or has escaped 25 into territorial waters while any apparatus was being used for the purpose of transferring oil from any ship to any other ship or any place, or to any ship from any other ship or any place, every person having charge of the apparatus, every owner and master of any such 30 ship, and every occupier of the land from or to which oil was so transferred, or any two or more of them may be proceeded against and convicted together. In any proceedings under this subsection against two or 35 more persons, where it is established that oil was discharged or escaped into territorial waters while oil was being transferred as aforesaid—

“(a) The onus shall be on each person having charge of any apparatus used for the purpose of the transfer to prove that the 40 discharge or escape did not occur from that apparatus:

“(b) The onus shall be on each owner or master of a ship to or from which the transfer was being made to prove that the discharge or escape did not occur from that ship:

5   “(c) The onus shall be on each occupier of any land to or from which the transfer was being made to prove that the discharge or escape did not occur from that land.”

10   **37.** (1) Section six of the Oil in Territorial Waters Act, 1926, is hereby amended by omitting from subsection one the words “discharged or allowed to escape”, and substituting the words “which is discharged or escapes”. Consequential amendments.

15   (2) Section eight of the Oil in Territorial Waters Act, 1926, is hereby amended by omitting the words “the offence of having in contravention of the provisions of this Act discharged or allowed to escape any oil into any territorial waters”, and substituting the words  
20   “an offence in respect of the discharge or escape of any oil into any territorial waters in contravention of the provisions of this Act”.

25   (3) The said section eight is hereby further amended by omitting the words “so discharged or allowed to escape”, and substituting the words “so discharged or escaped”.

*Police Offences*

**38.** (1) This section shall be read together with the Police Offences Act, 1927, and shall be deemed part of Part I of that Act.

30   (2) No person shall use in connection with any trade or business the emblem, the official seal, or the name of the United Nations, or any abbreviation or variation of that name, or any word or words that may incorporate that name, abbreviation, or variation,  
35   unless he proves that he has been authorized to do so by the Secretary-General of the United Nations.

40   (3) The Governor-General may from time to time, by notice in the *Gazette*, prohibit the use in connection with any trade or business of any name, word, seal, emblem, or device having reference in any way to any specialized agency brought into relationship with the

Use of emblem, seal, or name of United Nations and other organizations. See Reprint of Statutes, Vol. II, p. 500

United Nations in pursuance of Article fifty-seven of the Charter of the United Nations, or to any other international organization or authority.

(4) Every person who acts in contravention of this section, or of any notice under this section, commits an offence and shall be liable on summary conviction to a fine not exceeding ten pounds. 5

Repeal.  
1947, No. 60

Exempting  
persons  
working on  
Sundays in  
connection with  
aerodromes or  
aircraft from  
penal  
provisions.

Consequential  
repeal.  
1934, No. 25

Passing of  
resolutions  
under Political  
Disabilities  
Removal Act,  
1936.

1936, No. 23

(5) Section forty-eight of the Statutes Amendment Act, 1947, is hereby repealed.

**39.** (1) Section eighteen of the Police Offences Act, 1927, is hereby amended by adding to subsection three the words " or to any person working in connection with any aerodrome or aircraft ". 10

(2) Section thirty of the Transport Licensing (Commercial Aircraft Services) Act, 1934, is hereby repealed. 15

#### *Political Disabilities Removal*

**40.** (1) Section four of the Political Disabilities Removal Act, 1936, is hereby amended by inserting, after subsection one, the following new subsection:—

"(1A) For the purposes of this section a resolution shall be deemed to have been passed on a ballot of the members of the society if a majority of the total valid votes recorded at the ballot is in favour thereof." 20

(2) The said section four is hereby further amended by omitting from subsection one the words " a majority of " 25

(3) This section shall be deemed to have come into force on the first day of March, nineteen hundred and forty-seven.

#### *Poor Prisoners' Defence*

30

Legal aid in  
appeals from  
Justices.  
1933, No. 40

**41.** The Poor Prisoners' Defence Act, 1933, is hereby amended by inserting, after section three, the following new section:—

" 3A. (1) Any appellant on whose application a case has been stated for the opinion of the Supreme Court under section three hundred and three of the Justices of the Peace Act, 1927, and any appellant who has appealed to the Supreme Court under section three hundred and fifteen of that Act, shall be entitled 35

See Reprint  
of Statutes,  
Vol. II, pp. 442,  
446

to free legal aid in the preparation and conduct of his appeal and to have counsel assigned to him for that purpose in the prescribed manner, if an appeal certificate is granted in respect of him in accordance  
5 with the provisions of this section.

“(2) Subject to the provisions of this section, an appeal certificate may be granted in respect of any such appellant—

10 “(a) By the Justice against whose conviction, order, or sentence the appeal is made, if the application for the appeal certificate is made before the case stated or form of appeal, as the case may be, is filed in the Supreme Court; or

15 “(b) By any Judge of the Supreme Court, at any time after the case stated or form of appeal has been filed in the Supreme Court—

(such Justice or Judge being in this section referred to as the certifying authority).

20 “(3) An appeal certificate shall not be granted in respect of any appellant unless it appears to the certifying authority that his means are insufficient to enable him to obtain legal aid. Where it so appears, the certifying authority may grant an appeal certificate  
25 if it also appears to him having regard to all the circumstances of the case (including the reasonableness of the grounds on which the appeal is based) that it is desirable in the interests of justice that the appellant should have free legal aid in the preparation and conduct  
30 of his appeal in the Supreme Court.”

*Rating*

42. (1) Section thirty-six of the Rating Act, 1925, is hereby amended by omitting from subsection two the words “addition or removal of buildings”, and substituting the words “addition, alteration, conversion, or  
35 removal of buildings”.

(2) The said section thirty-six is hereby further amended by omitting from subsection three the words “added or removed”, and substituting the words  
40 “added, altered, converted, or removed”.

Section 36 of Rating Act, 1925 (as to amendment of annual value roll) amended. See Reprint of Statutes, Vol. VII, p. 990

*Rotorua Borough*

Provision as to  
charges for  
water supply in  
the Rotorua  
Borough.  
1922, No. 9  
1933, No. 30

**43.** (1) This section shall be read together with and deemed part of the Rotorua Borough Act, 1922.

(2) Notwithstanding anything contained in the Municipal Corporations Act, 1933, the Rotorua Borough Council shall make and levy annual charges for water— 5

(a) For ordinary supply within the meaning of any by-law defining such ordinary supply:

(b) For flushing water closets or other sanitary conveniences connected with the water supply: 10

Provided that the charges under this paragraph may vary in respect of different parts of the borough as defined by any by-law.

(3) Such charges as aforesaid shall be levied—

(a) On lands and dwellinghouses to which water is supplied: 15

(b) On all buildings, not being dwellinghouses, to which water is supplied:

(c) On all lands and buildings to which water can be but is not supplied, and which are situated within one hundred yards of any part of the waterworks: 20

Provided that under paragraph (a) or paragraph (b) of this subsection a separate annual charge may be levied on each portion of any such land, dwellinghouse, or building, as the case may be, that is separately occupied: 25

Provided also that no annual charge under paragraph (b) or paragraph (c) of this subsection shall exceed one-half of the annual charge levied in respect of the same kind of supply under paragraph (a) of this subsection. 30

(4) All water charges levied by the Council for the year ending on the thirty-first day of March, nineteen hundred and forty-nine, are hereby validated and deemed to have been lawfully levied. 35

(5) In addition to the powers of the Council under the Municipal Corporations Act, 1933, to make by-laws for the regulation and control of the waterworks the Council may from time to time make by-laws—

(a) Regulating any of the matters to which this section relates: 40

(b) Defining and classifying the kinds of water services and fixing the annual or other charges to be made for the supply of water.

*Shops and Offices*

44. Section nineteen of the Shops and Offices Amendment Act, 1927, is hereby amended as follows:—

Amending section 19 of Shops and Offices Amendment Act, 1927 (as to exemptions from closing-hour provisions). See Reprint of Statutes, Vol. III, p. 285

- 5 (a) By adding to subsection two the words “ and to be sent to the Inspector and to the industrial union of workers registered in respect of shop-assistants employed in the particular trade in the district and to the industrial union of employers registered in respect of the occupiers of shops in the particular trade in the district ”:
- 10
- 15 (b) By inserting in subsection three, after the word “ affected ”, the words “ and any representative of such industrial union of workers or employers as aforesaid ”:
- (c) By omitting from subsection four the word “ substantially ”, and substituting the word “ unfairly ”:
- 20 (d) By inserting in subsection seven, after the words “ affected by such order ”, the words “ or any such industrial union of workers or employers as aforesaid ”:
- (e) By inserting, after subsection seven, the following new subsection:—
- 25 “(7A) Subject to the provisions of subsection seven of this section, while any order made in respect of any shop under the foregoing provisions of this section is in force it shall continue to apply to that shop notwithstanding that any occupier for the time being
- 30 of the shop is not the person who was the occupier thereof when the order was made, and, in the case of an order relating to an award, notwithstanding the provisions of any award made in substitution therefor:
- 35 “ Provided that if any occupier carries on in the shop any class of business which was not carried on in that shop at the time when the order was made the order shall thereupon
- 40 cease to apply to that shop and shall be deemed to be cancelled in respect thereof.”

*Valuation of Land*

While Servicemen's Settlement and Land Sales Act, 1943, remains in force, valuations of land to conform to basic value under that Act. See Reprint of Statutes, Vol. VII, p. 1030 1943, No. 16

45. (1) This section shall be read together with and deemed part of the Valuation of Land Act, 1925 (in this section referred to as the principal Act).

(2) While the Servicemen's Settlement and Land Sales Act, 1943, continues in force, the Valuer-General in making a valuation of any land under the principal Act shall fix an amount which in his opinion does not exceed the amount that would, in the event of a sale of the land on the date from which the valuation takes effect, be held to be the basic value of the land within the meaning of the Servicemen's Settlement and Land Sales Act, 1943.

Procedure as to objections.

46. The Valuation of Land Act, 1925, is hereby amended by inserting, after section fourteen, the following new section:—

“ 14A. (1) Every objection shall be considered by the Valuer-General, who may make such inquiries relating thereto as he thinks fit, and may decide that the valuation should be altered to the extent claimed in the objection or to such extent as may have been agreed upon with the objector, or may decline to make any amendment in the valuation, or may decide of his own motion to refer the objection to the *Land Valuation Court* constituted under the *Land Valuation Court Act, 1948*.

“ (2) Except where the Valuer-General decides of his own motion to refer the objection to the *Land Valuation Court*, he shall serve written notice of his decision on the objector and, where the objector is not also the owner of the land, on the owner thereof. Every such notice shall be sent by post and addressed to the objector or owner, as the case may be, or, where the objection was made by an agent of the objector, to that agent at his last known place of abode or business in New Zealand, and shall be deemed to have been served when it would in the ordinary course of post be delivered.

“ (3) Any person to whom notice is given under the *last preceding* subsection may within fourteen days after service of the notice give written notice to the Valuer-General requiring the objection to be heard by the *Land Valuation Court*.

“ (4) If no notice referred to in the *last preceding* subsection is given within the said period of fourteen days, the decision of the Valuer-General shall be deemed to have been assented to by the objector and, 5 where the objector is not also the owner of the land, by the owner thereof; and the Valuer-General shall thereupon make all such alterations in the valuation roll as are necessary to give effect to his decision which shall be final and conclusive, and which, for the 10 purpose of levying and recovering rates and taxes, shall take effect from the date on which the valuation objected to would have taken effect had no objection been made.

“ (5) The list of objections to be filed from time to 15 time in the *Land Valuation Court* by the Valuer-General shall comprise those objections in respect of which he has received a notice referred to in subsection *three* of this section or which he has of his own motion decided to refer to the *Land Valuation Court*.

20 “ (6) This section shall come into force on the first day of January, nineteen hundred and forty-nine.” Commencement.

#### *Workers' Compensation*

47. Section fourteen of the Workers' Compensation Act, 1922, is hereby amended by adding to subsection 25 one the words “ or, in the case of a claim by or on behalf of a partial dependant of a deceased worker, in respect of any gain, whether to the estate of the deceased worker or to that dependant, that is consequent on the death of the deceased worker ”.

In assessing compensation, no account to be taken of any gain to dependants consequent on the death of a deceased worker.

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