

## STANDARDS AMENDMENT BILL

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### EXPLANATORY NOTE

THE main purpose of this Bill is to amend the Standards Act, 1941, so as to authorize local authorities to make by-laws by adopting standard codes of model by-laws.

It also includes in *clause 4* an amendment to make it an offence to make an unauthorized comparison with any standard specification for the purpose of any gain or profit, and not only for the purposes of a sale.

*Clause 2*, besides defining the terms "by-law" and "local authority", extends the definition of the term "specification" in the principal Act so as to include a model form of by-laws. This will enable any such model form to be declared to be a standard specification under the Act.

*Clause 3* contains the power for a local authority to make by-laws by adopting standard specifications. A standard specification may be adopted in whole or in part, and with or without modification. The resolution making the by-law is to be passed in the usual manner according to the procedure prescribed for the making of by-laws by the local authority; and a copy of every specification adopted (and of any other specifications incorporated therein by reference) is to be attached to the resolution, which must also show the modifications (if any) with which the specification is adopted.

A copy of a by-law is not to be deemed complete unless it includes a copy of all the provisions that are incorporated by the adoption of specifications; but the purport of a by-law may be advertised by reference to the numbers and titles or headings of the specifications or parts thereof that are adopted.

*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,*

*17th August, 1950.*

*Hon. Mr. Bowden*

## STANDARDS AMENDMENT

### ANALYSIS

Title.		3. By-laws may be made by adopting standard specifications.
1. Short Title.		4. Unauthorized comparison with standards for purposes of gain or profit.
2. Extending definition of "specification" to include model by-laws.		

### A BILL INTITLED

AN ACT to Amend the Standards Act, 1941.

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 Standards Amendment Act, 1950, and shall be read together with and deemed part of the Standards Act, 1941 (hereinafter referred to as the principal Act).

Short Title.

1941, No. 13

2. (1) Section two of the principal Act is hereby amended by adding to the definition of the term "specification" the words "and includes a model form of by-laws, whether or not any such model form is or contains a description of any commodity, process, or practice".

Extending definition of "specification" to include model by-laws.

(2) Section two of the principal Act is hereby further amended by inserting, in their appropriate alphabetical order, the following definitions:—

"By-law" means a by-law made by a local authority pursuant to any Act:

“ ‘Local authority’ means a Borough Council, County Council, Road Board, Town Board, or Harbour Board; and includes any other person or body of persons authorized by any Act to make by-laws:”.

By-laws may be made by adopting standard specifications.

3. The principal Act is hereby amended by inserting, after section twelve, the following section:—

“ 12A. (1) Where any local authority is authorized by any Act to make by-laws, any such by-law may be made, in the manner prescribed by that Act, by adopting the whole or any part of a standard specification, with or without modification, if a copy of the specification, or of the part thereof that is adopted, is attached to or incorporated in the resolution making the by-law.

“(2) No copy of a by-law made by adopting the whole or any part of a standard specification shall be deemed to be a complete copy unless it has attached thereto or incorporated therein a copy of the specification, or of the part thereof that is adopted, and states or shows the modifications (if any) with which it was adopted.

“(3) Where a standard specification or any part thereof incorporates by reference the whole or any part of any other standard specification, a copy of the first-mentioned specification or part thereof shall not be deemed to be a complete copy for the purposes of this section unless it includes a complete copy of the provisions so incorporated therein.

“(4) Where any by-law is made or proposed to be made by adopting the whole or any part of a standard specification, the object or purport of the by-law shall be deemed to be sufficiently stated for the purposes of any enactment requiring public notice thereof if the number and title of the standard specification, and (in the case of adoption in part) the number and heading of every part of the specification that is adopted, are stated.”

Unauthorized comparison with standards for purposes of gain or profit.

4. Section fourteen of the principal Act is hereby amended by omitting from paragraph (c) of subsection one the words “ for the purposes of a sale ”, and substituting the words “ for the purposes of gain or profit (whether by means of a sale or otherwise) ”.