

STATUTES AMENDMENT BILL

EXPLANATORY NOTE

Adhesive Stamps

Clause 2: Regulations to allow repurchase of unused postage stamps.—Under section 11 of the Adhesive Stamps Act, 1939, the Director-General may, pursuant to regulations, repurchase at a discount postage stamps which have been destroyed or spoiled, or take them back in exchange for stamps of the same value. The amendment made by this clause extends the power to include unused postage stamps, for example, stamps received as remittances or held by stamp dealers, and will enable regulations to be made accordingly.

Auckland University College

Clause 3: Unauthorized expenditure of Council.—This clause increases from £100 to £500 the maximum amount of unauthorized expenditure allowed in the case of the Auckland University College Council.

Births and Deaths Registration

Clause 4: Consequences of variation, reversal, or discharge of adoption order.—This clause prescribes the manner in which the variation, reversal, or discharge of an adoption order is to be recorded in the register of births, and the particulars to be shown on any certified copy of the entry in respect of the birth of a child affected by the variation, reversal, or discharge of an adoption order.

Canterbury Agricultural College

Clause 5: Repeal.—This clause will enable the Principal of the College to vote at meetings of the Board of Governors. When the Board of Governors was reconstituted under section 2 of the Canterbury Agricultural College Amendment Act, 1949, the Principal was made a member of the Board.

Clause 6: Unauthorized expenditure of Board of Governors.—This clause increases from £100 to £500 the maximum amount of unauthorized expenditure allowed in the case of the Board of Governors of Canterbury Agricultural College.

Canterbury University College

Clause 7: Unauthorized expenditure of Council.—This clause increases from £100 to £500 the maximum amount of unauthorized expenditure allowed in the case of the Canterbury University College Council.

Electric Power Boards

Clause 8: Section 7 of Electric Power Boards Amendment Act, 1928, amended.—At present where the cost of equipment installed in buildings by an Electric Power Board exceeds £30, the cost or rent of the equipment is not to be a charge on the land or recoverable as rates unless the owner and all mortgagees consent. This clause alters that figure to £60.

Forests

Clause 9: Power to acquire land for forestry purposes.—Section 15 (1) (b) of the Forests Act, 1949, gives power to acquire land for the purposes of forest cultivation, access, incidental farming operations, water conservation, the protection of native wild life, the stabilization of soil, and amenity and scientific purposes. This clause makes it clear that land can be acquired under that paragraph for the purposes mentioned in this clause.

Clause 10: Application of timber royalties.—This clause amends the definition of the term “road” for the purposes of section 17 of the Forests Act, 1949, so as to enable money derived from timber royalties to be expended in constructing, repairing, or maintaining routes for the transport of timber from State forest land as well as roads in the general legal sense of the term. The clause is made retrospective because in the past these routes have been treated as roads for the purposes of this legislation.

Harbours

Clause 11: Amending provisions as to constitution of Havelock Harbour Board.—The Schedule to the Harbours Act, 1950, relating to the Havelock Harbour Board provides for the election of two members of the Board by the electors of the Kenepuru Riding of the County of Sounds. This provision was a mistake, and it is corrected by this clause, as from the commencement of the Harbours Act, 1950, by substituting a reference to the Pelorus Sound Riding for the reference to the Kenepuru Riding.

Juries

Clause 12: Time for preparation of jury books.—This clause changes the final day for the annual preparation of jury books from 14th May to 1st December, and makes minor consequential amendments of an administrative nature.

Justices of the Peace

Clause 13: Accused person committed for sentence not to be admitted to bail unless the Court so directs.—At present a person pleading guilty to an indictable offence and committed to the Supreme Court for sentence can, in the case of some offences, claim to be admitted to bail as of right. This clause leaves the question of bail in the discretion of the Court. In all other respects it re-enacts the existing law.

Clause 14: Power of constable or other person executing warrant of arrest to enter premises.—As the law now stands a constable or other person executing a warrant of arrest under sections 266 to 268 of the Justices of the Peace Act, 1927, may enter any premises if in fact the wanted person is there, but not if it is only reasonably certain that he is there. This clause gives a right of entry where there is reasonable cause to believe that the wanted person is there, subject to production of the warrant on demand made by the occupier.

Land Drainage

Clause 15: Annual allowance to Chairman of Land Drainage Board.—The purpose of this clause is to provide for an annual allowance, not exceeding £50, to be paid to the Chairman of a Land Drainage Board.

Licensing

Clause 16: Former holders of wine sellers' permits in Invercargill and Masterton Licensing Trust districts may obtain wine sellers' licences for limited period.—Under section 69 of the Licensing Amendment Act, 1948, every wine sellers' permit (held under the Licensing Act Emergency Regulations 1942 (No. 2)) expired on the 30th June, 1949, but the holder could, before that date, surrender his permit and obtain from the Licensing Committee a wine seller's licence with a similar effect. Holders of permits in the Invercargill and Masterton Licensing Trust Districts (in which only two permits are known to have been held at the relevant date) could not exercise this right, as no Licensing Committee has jurisdiction in those districts. This clause enables those former holders, if they so wish, to obtain wine sellers' licences in those districts and have them renewed in the usual way up to the 30th June, 1955.

Local Authorities (Members' Contracts)

Clause 17: Repeal of provisions as to recovery of payments by local authorities under disqualifying contracts.—This clause repeals the provisions making it unlawful for a local authority to pay moneys under a disqualifying contract and making money so paid recoverable by the Audit Office. The member concerned or interested in the contract remains subject to his disqualification and is still liable to a fine under section 5 of the Act if he acts while disqualified. *Subclauses (2) and (3)* authorize the Audit Office, on application by a local authority, to approve payments by the local authority under any such contract made after the 1st June, 1944, and before the passing of this clause, if the Audit Office is satisfied that the contract has been performed and that the payment is reasonable.

Clause 18: Increasing penalty for unlawfully acting as member of local authority.—This clause increases the maximum fine under section 5 of the Act from £50 to £100.

Local Government Commission

Clause 19: Amending provisions as to matters to be provided for in reorganization schemes.—*Subclause (1)* authorizes the Local Government Commission to provide in a reorganization scheme for the exclusion of any area from any district and for the dissolution of any local authority. Although at present the Local Government Commission can provide for the alteration of the boundaries of districts, it has no power to recommend the exclusion of an area from any district without adding to it some other district. The Commission can at present provide for the abolition of any district or for the transfer of all the functions of a local authority to any other local authority, but it cannot provide for the dissolution of a local authority whose district has ceased to exist or which has ceased to have any functions. *Subclause (2)* repeals section 13 (3) of the Local Government Commission Act, 1946, which prohibited the transfer of any trading undertaking from the local governing authority except upon the union, merger, or abolition of the district of that authority.

Massey Agricultural College

Clause 20: Unauthorized expenditure of the Board of Governors.—This clause increases from £100 to £500 the maximum amount of unauthorized expenditure allowed in the case of the Board of Governors of Massey Agricultural College.

Music Teachers Registration

Clause 21: Regulations to prescribe annual fee payable by registered music teachers.—This clause authorizes the making of regulations to prescribe the annual fee, not exceeding twenty-one shillings, payable by registered music teachers. At present the fee is fixed by the Act at ten shillings and sixpence.

Pharmacy

Clause 22: Extending terms of office of members of Pharmacy Board.—This clause extends the terms of office of members of the Pharmacy Board from two years to three years.

Clause 23: Alternative procedure for filling extraordinary vacancies in offices of elective members.—This clause authorizes the Board to fill extraordinary vacancies in the offices of elective members by the appointment of persons eligible for election instead of holding an election. To give the Board sufficient time to meet and determine whether or not an election should be held, the time within which vacancies must be filled is altered from two months to three months.

Poisons

Clause 24: Registrar may delegate licensing powers to district officers.—Under the Poisons Act, 1934, the granting and renewal of poison licences is required to be done by the Director-General of Health as Registrar, and the registers of licences are to be kept by him. This clause authorizes the Director-General to delegate those functions to Departmental officers in District Health Offices.

Clause 25: Section 20 of Poisons Act, 1934 (as to records of prescriptions), amended.—At present a record of every mixture dispensed by a chemist or veterinary surgeon must be kept in a prescription book. This clause authorizes the Director-General of Health to approve other methods of keeping the required records. For example, some chemists wish to keep the records in the form of microfilms.

Post and Telegraph

Clause 26: Rights of appeal of officers of the Post and Telegraph Department.—This clause substitutes a new section for section 237 of the Post and Telegraph Act, 1928, which prescribes the circumstances in which officers of the Department may appeal against decisions affecting their salary or status. The object of the clause is to clarify the existing provisions in view of the anticipated regrading of positions in the Department.

Public Reserves, Domains, and National Parks

Clause 27: Commissioner of Crown Lands may execute leases of public domains.—This clause authorizes the Commissioner of Crown Lands to execute leases and other documents required to be executed in connection with the leasing of public domains.

River Boards

Clause 28: Annual allowance to Chairman of River Board.—The purpose of this clause is to provide for an annual allowance, not exceeding £50, to be paid to the Chairman of a River Board.

Rotorua Borough

Clause 29: Rotorua Borough Council to consist of elected members only.—Under section 4 of the Rotorua Borough Act, 1922, the Council is to consist of six members (exclusive of the Mayor) of whom two are to be appointed by the Governor-General and four are to be elected. Power to increase the number of Councillors is contained in section 2 of the Rotorua Borough Amendment Act, 1925, and under that provision the number has been increased to eleven Councillors, of whom two are appointed by the Governor-General and nine are to be elected. This clause repeals the provisions for the appointment of members and provides that all members are to be elected.

Samoa

Clause 30: Amending provisions as to arrest without warrant.—The purpose of this clause is to extend to private persons the power of arresting without warrant any person suspected on reasonable grounds of having committed any of the offences specified in section 219 (1) of the Samoa Act, 1921. The power exists in substantially the same cases under section 281 of the Cook Islands Act, 1915.

Secondhand Dealers

Clause 31: Dealings by secondhand dealers as agents.—Section 8 of the Secondhand Dealers Act, 1908, requires every licensed dealer to keep a register of all secondhand articles bought, sold, or exchanged by him. Section 6 of the Secondhand Dealers Amendment Act, 1934, requires any dealer acquiring an article to which the Second Schedule to that Act applies to keep it in his possession for one month before disposing of it. The purpose of this clause is to apply those provisions to articles sold or otherwise dealt with by licensed dealers as agents for other persons.

State Supply of Electrical Energy

Clause 32: Section 65 of Statutes Amendment Act, 1944 (as to cost of installations), amended.—At present, where the cost of equipment installed in buildings by the Crown exceeds £30, the cost or rent of the equipment is not to be a charge on the land or recoverable as rates unless the owner and all mortgagees consent. This clause alters that figure to £60.

Town Boards

Clause 33: Increasing maximum general rate.—The purpose of this clause is to increase the maximum general rate that may be made and levied by Town Boards from 2d. in the pound to 2½d. in the pound on the capital value, or its equivalent on the unimproved value, and from 2s. 6d. in the pound to 3s. in the pound where the rating is on the annual value. A similar amendment has been made in the case of city and borough councils by the Municipal Corporations Amendment Bill.

University of Otago Council

Clause 34: Unauthorized expenditure of Council.—This clause increases from £100 to £500 the maximum amount of unauthorized expenditure allowed in the case of the Council of the University of Otago.

Valuation of Land

Clause 35: Revision of county valuation rolls made not later than 31st March, 1951, to be made according to 1942 basic values.—This clause provides for the completion of the revision of county valuation rolls by the Valuer-General, if made not later than the 31st March, 1951, on the basis of the 1942 value as if the Servicemen's Settlement and Land Sales Act, 1943, were still in force.

Victoria University College

Clause 36: Unauthorized expenditure of Council.—This clause increases from £100 to £500 the maximum amount of unauthorized expenditure allowed in the case of the Victoria University College Council.

Weights and Measures

Clause 37: Regulations as to bread.—This clause enables regulations to be made fixing the weights at which loaves of bread must be sold, and empowers an Inspector of Weights and Measures to weigh bread kept for sale. The control of the weight of bread sold was formerly exercised under emergency regulations which have expired.

Hon. Mr. Webb

STATUTES AMENDMENT

ANALYSIS

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A BILL INTITULED

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

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

Short Title. 1. This Act may be cited as the Statutes Amendment Act, 1950.

Adhesive Stamps

Regulations to allow repurchase of unused postage stamps. 1939, No. 10

2. Section eleven of the Adhesive Stamps Act, 1939, is hereby amended by omitting from subsection one the words “ and destroyed, spoiled, or wasted by accident or error ”.

Auckland University College

3. The Auckland University College Act, 1882, is hereby amended by adding the following section:—

Unauthorized expenditure of Council.
1882, No. 3
(Local)

5 “ 27. The Council may in any year expend out of the general fund of the College for purposes not authorized by any law for the time being in force any sum or sums not exceeding in the aggregate five hundred pounds.”

Births and Deaths Registration

10 4. (1) Subsection four of section twenty-seven of the Births and Deaths Registration Act, 1924, is hereby amended by omitting the words “ this section relates ”, and substituting the words “ the foregoing provisions of this section relate ”.

Consequences of variation, reversal, or discharge of adoption order.
See Reprint of Statutes, Vol. VIII, p. 44

15 (2) Section twenty-seven of the Births and Deaths Registration Act, 1924, is hereby amended by inserting, after subsection five, the following subsections:—

20 “(5A) Whenever an order is made varying, reversing, or discharging any adoption order, the Registrar of the Court in which the order is made as aforesaid shall forthwith send a copy of the order to the Registrar-General, who shall cause a memorial of the order of variation, reversal, or discharge to be made on—

25 “(a) The original entry of birth relating to the child to whom the order relates, and the duplicate of that entry; and

“(b) The entry of re-registration in respect of that child made under subsection three of this section, and the duplicate of that entry.

30 “(5B) In the case of the variation of an order of adoption, the Registrar-General may, if he considers it expedient so to do, cause the particulars as to the birth of the child as so varied to be re-registered in the manner provided by subsection three of this section.

35 “(5c) Whenever a certified copy of the entry of birth of any child in respect of whom an adoption order has been reversed or discharged is required for any purpose, and no other adoption order is for the time being in force in respect of that child, the Registrar or the Registrar-General, as the case may be, shall supply a certified copy
40 of the original entry of birth omitting the memorial mentioned in subsection two of this section and also omitting the memorial of the reversal or discharge of the

adoption order; and every such certified copy, if otherwise correct, shall be deemed to be a true copy of the entry:

“ Provided that, in any case where the applicant certifies and the Registrar or Registrar-General is satisfied that the memorials on the original entry of birth are material for the purpose for which the certified copy is required, the Registrar or Registrar-General may issue the certified copy of that entry including the memorials: 5

“ Provided also that, in any case where the applicant certifies and the Registrar-General is satisfied that the re-registration entry made under subsection three of this section is material for the purpose for which the certified copy is required, the Registrar or the Registrar-General may issue a copy of that entry including the memorial.” 10 15

Canterbury Agricultural College

Repeal.
1930, No. 31

5. Subsection three of section twenty-one of the Canterbury Agricultural College Act, 1930, is hereby repealed.

Unauthorized
expenditure of
Board of
Governors.

6. Section twenty-eight of the Canterbury Agricultural College Act, 1930, is hereby amended by omitting the words “ one hundred pounds ”, and substituting the words “ five hundred pounds ”. 20

Canterbury University College

Unauthorized
expenditure of
Council.
1933, No. 27

7. Section thirty-one of the Canterbury University College Act, 1933, is hereby amended by omitting the words “ one hundred pounds ”, and substituting the words “ five hundred pounds ”. 25

Electric Power Boards

Section 7 of
Electric Power
Boards
Amendment
Act, 1928 (as
to cost of
installations),
amended.

8. Section seven of the Electric Power Boards Amendment Act, 1928, is hereby amended by omitting from subsection one the words “ thirty pounds ”, and substituting the words “ sixty pounds ”. 30

See Reprint
of Statutes,
Vol. III, p. 66

Forests

Power to
acquire land
for forestry
purposes.
1949, No. 19

9. Section fifteen of the Forests Act, 1949, is hereby amended by omitting from paragraph (b) of subsection one the words “ for the growth of trees and other plants ”, and substituting the words “ for the establishment, culture, growth, protection, maintenance, and 35

management of trees and other plants; for the utilization of forest produce; for administrative, industrial, residential, or storage uses in connection with State forest land or forest produce; for quarantine grounds or
5 quarantine depots;”.

10 **10.** Section seventeen of the Forests Act, 1949, is hereby amended by adding the following subsection:—

Application of
timber royalties.

“(6) For the purposes of this section and of the corresponding provisions of any former Acts, the term
10 ‘road’ shall include and be deemed always to have included any route over any land which is maintained or is intended to be maintained for the transport of timber from State forest land.”

Harbours

15 **11.** That part of the First Schedule to the Harbours Act, 1950, which relates to the Havelock Harbour Board is hereby amended as from the commencement of that Act by omitting from the second column of that Schedule the words “Kenepuru Riding”, and substituting the
20 words “Pelorus Sound Riding”.

Amending
provisions
as to
constitution
of Havelock
Harbour
Board.

1950, No. 34

Juries

12. (1) Sections forty-three and forty-six of the Juries Act, 1908, are hereby amended by omitting from each of those sections the words “fourteenth day of
25 May”, and substituting in each case the words “first day of December”.

Time for
preparation of
jury books.
See Reprint
of Statutes,
Vol. IV,
p. 409

(2) The *last preceding* subsection and section twenty-nine of the Statutes Amendment Act, 1949, shall apply and be deemed always to have applied for the purposes
30 of the annual preparation of the jury lists and jury books in the year nineteen hundred and fifty and each subsequent year.

1949, No. 51

(3) The jury books required by section forty-three of the Juries Act, 1908, to have been published before the
35 fourteenth day of May, nineteen hundred and forty-nine, shall continue to be used till the first day of December, nineteen hundred and fifty; and accordingly for the purposes of sections forty-three, fifty, seventy, eighty-two, and one hundred and seventy-three of the principal
40 Act the period commencing on the said fourteenth day of May and ending immediately before the said first day of December shall be deemed to be one year.

Justices of the Peace

Accused person committed for sentence not to be admitted to bail unless the Court so directs.

See Reprint of Statutes, Vol. II, p. 401

13. Section one hundred and eighty-one of the Justices of the Peace Act, 1927, is hereby amended by repealing paragraph (e) of subsection two, and substituting the following paragraph:—

“(e) Notwithstanding anything in this or any other Act, the accused shall not be admitted to bail unless the committing Court so directs. In all other respects, all proceedings relating to a commitment for trial shall apply, as far as may be practicable, to a commitment for sentence:

“Provided that no person shall be bound over to give evidence on any commitment for sentence unless the committing Court otherwise orders.”

Power of constable or other person executing warrant of arrest to enter premises.

Ibid., p. 434

14. Section two hundred and sixty-eight of the Justices of the Peace Act, 1927, is hereby amended by inserting, after subsection one, the following subsection:—

“(1A) For the purposes of executing the warrant, the person to whom it is directed may at any time enter on any premises, by force if necessary, if he has reasonable cause to believe that the person against whom it is issued is on those premises:

“Provided that any person so entering on any premises shall show the warrant to any person in actual occupation of the premises if required by that person to do so.”

Land Drainage

Annual allowance to Chairman of Land Drainage Board.

See Reprint of Statutes, Vol. IV, p. 470

15. The Land Drainage Act, 1908, is hereby amended by inserting, after section eleven, the following section:—

“11A. (1) The Chairman may be paid such annual allowance, not exceeding fifty pounds, out of the funds of the Board as the Board from time to time fixes, but no alteration in the amount of that allowance shall take effect during the term of office of any Chairman.

“(2) For the purposes of this section a person reappointed as Chairman shall be deemed to be a new Chairman.”

Licensing

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

Former holders of wine sellers' permits in Invercargill and Masterton Licensing Trust Districts may obtain wine sellers' licences for limited period.

5 (2) This section shall apply to every person who, on or at any time after the thirtieth day of June, nineteen hundred and forty-eight, was the holder of a wine seller's permit, being a permit issued under the Licensing Act Emergency Regulations 1942 (No. 2), in respect of any
10 premises situated in the Invercargill Licensing Trust District as now defined by the Invercargill Licensing Trust Act, 1950, or in the Masterton Licensing Trust District constituted by the Masterton Licensing Trust Act, 1947.

See Reprint of Statutes, Vol. IV, p. 234

15 (3) Subject to the provisions of this section, any person to whom this section applies may apply for and be granted a wine seller's licence, in accordance with section sixty-nine of the Licensing Amendment Act, 1948, in respect of any premises situated in the district in
20 which the wine seller's permit was held by that person as aforesaid.

Serial No. 1942/186 (as amended by Serial No. 1943/122, Reg. 3)
1950, No. 33
1947, No. 35
1948, No. 74

(4) No wine seller's licence shall be granted or renewed under this section in respect of any period after
25 the thirtieth day of June, nineteen hundred and fifty-five.

(5) No renewal of any licence granted to any person under this section, and no licence in substitution therefor, shall be granted to any other person, except in any of the cases referred to in sections one hundred and thirty
30 to one hundred and thirty-six of the principal Act (which relate to the death, bankruptcy, marriage, and insanity of licensees).

(6) Nothing in sections one hundred and seventeen to one hundred and twenty-six of the principal Act
35 (which relate to the transfer of licences and the continuance of forfeited licences) shall apply to any licence granted under this section.

(7) Every application for a licence under this section, and every application for the renewal of any such licence,
40 shall be made—

(a) In the case of an application relating to premises situated in the Invercargill Licensing Trust District, to the Licensing Committee for the Awarua Licensing District;

(b) In the case of an application relating to premises situated in the Masterton Licensing Trust District, to the Licensing Committee for the licensing district whose boundary is nearest to the premises,—

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and the Licensing Committee to which the application is so made shall have jurisdiction to deal with the application in all respects as if the Committee had jurisdiction over the district in which the premises are situated.

(8) Every application for the grant of a licence under this section shall be dealt with as if it were an application for the renewal of a licence under section one hundred and six of the principal Act, and for the purposes of this subsection the provisions of the principal Act shall, as far as they are applicable and with the necessary modifications, apply accordingly as if the applicant were the holder of a licence.

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(9) While any licence is for the time being in force under this section, the licensed premises shall for the purposes of the principal Act be deemed in all respects to be under the jurisdiction of the Licensing Committee for the licensing district in which the application for the licence was made pursuant to subsection *seven* of this section.

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Local Authorities (Members' Contracts)

25

Repeal of provisions for recovery of payments by local authorities under disqualifying contracts.
1934, No. 17
See Reprint of Statutes, Vol. VIII, p. 568

17. (1) Section six of the Local Authorities (Members' Contracts) Act, 1934 (which prohibits payments by local authorities under disqualifying contracts) is hereby repealed.

(2) Notwithstanding anything in the Acts Interpretation Act, 1924, the provisions of the said section six shall not continue to apply with respect to any payment heretofore made and not recovered, or any payment hereafter made, under or in respect of any contract, or any subject matter of any contract, entered into by a local authority at any time after the first day of June, nineteen hundred and forty-four and before the passing of this section, if the Audit Office, on an application made pursuant to subsection *three* of this section, is satisfied that the contract has been performed to the benefit of the local authority and that the amount of the payment is reasonable, and notifies the local authority that it approves the payment.

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(3) The provisions of subsection *two* of this section shall not operate so as to validate any payment heretofore or hereafter made unless application for the approval of the payment is made to the Audit Office by the local authority before the expiration of three months after the passing of this section or, where before the passing of this section a notification has not been given by the Audit Office to the local authority that the payment is unlawful, before the expiration of three months after the receipt by the local authority of a notification by the Audit Office that the payment will be unlawful if it is not approved under this section.

18. Section five of the Local Authorities (Members' Contracts) Act, 1934, is hereby amended by omitting the words "not exceeding fifty pounds", and substituting the words "not exceeding one hundred pounds".

Increasing penalty for unlawfully acting as member of local authority.

Local Government Commission

19. (1) Subsection one of section thirteen of the Local Government Commission Act, 1946, as amended by section thirty-seven of the Statutes Amendment Act, 1947, is hereby further amended by adding the following paragraphs:—

Amending provisions as to matters to be provided for in reorganization schemes.
1946, No. 28
1947, No. 60

“(i) The exclusion of any area from any district:
“(j) The dissolution of any local authority.”

25 (2) The said section thirteen is hereby further amended by repealing subsection three.

Repeal.

Massey Agricultural College

20. (1) The Massey Agricultural College Act, 1926, is hereby amended by inserting, after section twenty-two, the following section:—

Unauthorized expenditure of the Board of Governors.
1926, No. 68

“22A. The Board of Governors of the Massey Agricultural College may in any year expend out of the general fund of the College for purposes not authorized by any law for the time being in force any sum or sums not exceeding in the aggregate five hundred pounds.”

(2) Section sixty-one of the Finance Act, 1929, is hereby repealed.

1929, No. 29

Music Teachers Registration

21. (1) Section seventeen of the Music Teachers Registration Act, 1928, is hereby amended by omitting the words "a fee of ten shillings and sixpence", and substituting the words "such fee, not exceeding twenty-one shillings, as may be prescribed by regulations under this Act".

Regulations to prescribe annual fee payable by registered music teachers.
See Reprint of Statutes, Vol. II, pp. 1118, 1120

(2) Section twenty-two of the said Act is hereby amended by inserting, after paragraph (a), the following paragraph:—

“(aa) Prescribing the annual fee, not exceeding twenty-one shillings, payable by persons registered under this Act.”

Commencement.

(3) This section shall come into force on the first day of January, nineteen hundred and fifty-two.

Pharmacy

Extending terms of office of members of Pharmacy Board.

1939, No. 33

22. (1) Section five of the Pharmacy Act, 1939, is hereby amended by omitting from subsection five the words “two years”, and substituting the words “three years”.

(2) The *last preceding* subsection shall apply with respect to members of the Board appointed or elected in the year nineteen hundred and fifty, and in every third year thereafter.

Alternative procedure for filling extraordinary vacancies in offices of elective members.

23. Section five of the Pharmacy Act, 1939, is hereby further amended by repealing subsection six, and substituting the following subsections:—

“(6) If any member of the Board dies, or is removed from office, or resigns, or otherwise vacates his office, the vacancy so created (hereinafter referred to as an extraordinary vacancy) shall, within three months after its occurrence, be filled in the manner in which the vacant office was originally filled or, in the case of any vacancy in the office of an elective member, in the manner prescribed by the *next succeeding* subsection if the Board so determines pursuant to that subsection.

“(6A) In the case of an extraordinary vacancy in the office of an elective member of the Board, the Board may, within one month after the occurrence of the vacancy, by resolution determine that an election shall not be held and that the vacancy shall be filled—

“(a) In the case of a vacancy in the office of a member elected under paragraph (b) of subsection two of this section, by the appointment by the Board of a person eligible for election to that office in the district in which the member vacating office was elected:

“(b) In the case of a vacancy in the office of a member elected under paragraph (c) of subsection two of this section, by the

5 appointment by the Board of a person eligible for election to that office in the Island in which the member vacating office was elected, being a person nominated by the New Zealand Federated Shop Assistants' Industrial Association of Workers.

“(6B) Every person appointed or elected to fill any extraordinary vacancy shall hold office for the residue of the term of office of his predecessor.”

10 *Poisons*

24. (1) The Poisons Act, 1934, is hereby amended by inserting, after section twelve, the following section:—

Registrar may delegate licensing powers to district officers. 1934, No. 18

15 “12A. (1) The Registrar may from time to time delegate to any officer of the Department of Health in any health district under the Health Act, 1920, any of his functions and powers under this Part of this Act.

See Reprint of Statutes, Vol. VI, p. 1061

20 “(2) Subject to any general or special directions of the Registrar, any person to whom any such powers or functions are so delegated may exercise those powers and perform those functions with the same effect as if they had been directly conferred on him by this Act and not by delegation.

25 “(3) Every person purporting to act pursuant to any delegation under this section shall be presumed to be acting in accordance with the terms of the delegation until the contrary is proved.

30 “(4) Any delegation under this section may at any time be revoked, either wholly or partially, by the Registrar.”

(2) Section two of the Poisons Act, 1934, is hereby amended by adding to the definition of the term “Registrar” the words “and includes any officer of the Department of Health to whom any powers or functions are for the time being delegated by the Registrar under this Act”.

35 **25.** Section twenty of the Poisons Act, 1934, is hereby amended by inserting in subsection two, after the words “in a prescription book”, the words “or in such other form as may from time to time be approved by the Director-General of Health, either generally or in any particular case,”.

Section 20 of Poisons Act, 1934 (as to records of prescriptions), amended.

Post and Telegraph

Rights of
appeal of
officers of
Post and
Telegraph
Department.
See Reprint
of Statutes,
Vol. VI, p. 941

26. (1) The Post and Telegraph Act, 1928, is hereby amended by repealing section two hundred and thirty-seven, and substituting the following section:—

“ 237. (1) Any officer shall have the right of appeal to the Post and Telegraph Appeal Board against— 5

“(a) Any determination by the Director-General made on the occasion of a regrading of positions in the Department and relating to the grade of the appellant notified in any classification list prepared pursuant to this Act or any regulations made thereunder: 10

“(b) Any appointment by way of promotion made under section three of the Post and Telegraph Amendment Act, 1936, to a position for which applications have been called and for which the appellant was an applicant: 15

“(c) Any appointment by way of promotion made under section three of the Post and Telegraph Amendment Act, 1936, to a position without the vacancy having been notified or applications to fill the vacancy having been called, if appointment of the appellant to fill the vacancy would have involved his promotion: 20 25

“(d) Any new appointment to the Department made under section three of the Post and Telegraph Amendment Act, 1936:

“(e) Any determination of the Director-General withholding an annual increment from the appellant: 30

“(f) Any determination of the Director-General withholding from the appellant advancement to a position carrying a higher salary in any subdivision, grade, or class of which he is a member, if the appellant is qualified to advance to that position: 35

“(g) Any determination of the Director-General not to permit the appellant to retain his relative seniority during any year ending on the thirty-first day of March in which he is promoted to a higher subdivision, grade, or class: 40

“(h) Any reduction in the salary or grading of the appellant:

“(i) His dismissal from the Department:

5 “(j) Any fine exceeding two pounds imposed on the appellant under regulations made under this Act.

“(2) Nothing in this section shall be construed to confer on any person a right of appeal against any determination of the Director-General under subsection four of section eighteen of the Post and Telegraph Amendment Act, 1933, fixing rates of salaries. 1933, No. 23

15 “(3) The Board shall have jurisdiction to hear and determine any appeal under this section, and for that purpose to summon and examine witnesses on oath or otherwise, and to make such order as it thinks just either for the payment of the costs of the appeal by the Crown to the appellant or by the appellant to the Crown.

20 “(4) The determination of the Board on any such appeal shall be communicated by the Board to the Director-General, who shall thereupon take such steps as may be necessary to give effect to that determination.

25 “(5) In the event of the Board allowing an appeal under paragraph (a) of subsection one of this section, the Director-General may declare the position held by the appellant to be vacant and may fill the vacant position as provided by this Act.”

(2) Paragraph (b) of subsection six of section four of the Post and Telegraph Amendment Act, 1936, is hereby consequentially repealed. Repeal. 1936, No. 41

30 *Public Reserves, Domains, and National Parks*

27. (1) Section forty-three of the Public Reserves, Domains, and National Parks Act, 1928, is hereby amended by inserting, after the words “The Governor-General”, the words “or the Minister”. Commissioner of Crown Lands may execute leases of public domains.

35 (2) The said section forty-three is hereby further amended by adding the following as subsection two thereof:— See Reprint of Statutes, Vol. VI, p. 1150

40 “(2) Any lease, deed, surrender, or other instrument that is required to be executed for the purpose of giving effect to the provisions of this section may be executed by the Commissioner of Crown Lands for the district in which the domain to which the instrument relates is

situated, and any such instrument so executed shall not require to be executed by or on behalf of the Governor-General or the Minister, as the case may be, and shall be deemed to be validly executed for all purposes.”

River Boards

5

Annual allowance to Chairman of River Board. See Reprint of Statutes, Vol. IV, p. 527

28. The River Boards Act, 1908, is hereby amended by inserting, after section forty-eight, the following section:—

“48A. (1) The Chairman may be paid such annual allowance, not exceeding fifty pounds, out of the funds of the Board as the Board from time to time fixes, but no alteration in the amount of that allowance shall take effect during the term of office of any Chairman. 10

“(2) For the purposes of this section a person re-elected as Chairman shall be deemed to be a new Chairman. 15

“(3) The receipt of an allowance under this section shall not be a disqualification under paragraph (d) of section twenty-nine of this Act.”

Rotorua Borough

20

Rotorua Borough Council to consist of elected members only. 1922, No. 9

29. (1) The Rotorua Borough Act, 1922, is hereby amended by repealing section four, and substituting the following section:—

“4. The Council shall consist of nine members (exclusive of the Mayor) to be elected by the electors of the borough. 25

“Provided that nothing in this section shall in any way restrict the power of the Council under section one hundred and forty-eight of the Municipal Corporations Act, 1933, to alter the total number of members of the Council.” 30

1933, No. 30

(2) The appointed members of the Council holding office immediately before the passing of this Act shall be deemed to have ceased to hold office on the passing of this Act. 35

Repeal. 1925, No. 6

(3) The Rotorua Borough Amendment Act, 1925, is hereby repealed.

Samoa

Amending provisions as to arrest without warrant. See Reprint of Statutes, Vol. II, p. 837

30. Section two hundred and nineteen of the Samoa Act, 1921, is hereby amended by inserting in subsection one, after the words “ A constable ”, the words “ or any other person ”. 40

Secondhand Dealers

31. The Secondhand Dealers Amendment Act, 1934, is hereby amended by inserting, after section six, the following section:—

Dealings by secondhand dealers as agents.
1934, No. 20

5 “ 6A. Except under the authority of an auctioneer’s licence, no holder of a secondhand dealer’s licence shall act, or offer or agree to act, as agent for any person, with or without commission, in the sale, purchase, or exchange of any secondhand article unless the provisions
10 of section eight of the principal Act, and, if the article is one to which section six of this Act applies, the provisions of the said section six, are complied with in respect of the article in all respects as if it were bought, sold, exchanged, or received in exchange by him on
15 his own behalf.”

State Supply of Electrical Energy

32. Section sixty-five of the Statutes Amendment Act, 1944, is hereby amended by omitting from the proviso the words “ thirty pounds ”, and substituting the words
20 “ sixty pounds ”.

Section 65 of Statutes Amendment Act, 1944 (as to cost of installations), amended.
1944, No. 25

Town Boards

33. (1) Section thirty-five of the Town Boards Act, 1908, as amended by section thirty-four of the Finance Act, 1921–22, is hereby further amended as follows:—

Increasing maximum general rate.
See Reprint of Statutes, Vol. V, p. 344
1921–22, No. 72

25 (a) By omitting from the proviso the word “ two-pence ”, and substituting the words “ twopence halfpenny ”:

(b) By omitting from the proviso the words “ two shillings and sixpence ”, and substituting the words “ three shillings ”.

30 (2) Section thirty-four of the Finance Act, 1921–22, is hereby repealed.

Repeal.

University of Otago Council

34. The University of Otago Council Act, 1946, is hereby amended by inserting, after section thirteen, the following section:—

Unauthorized expenditure of Council.
1946, No. 25

40 “ 13A. The Council may in any year expend out of the general fund of the University of Otago for purposes not authorized by any law for the time being in force any sum or sums not exceeding in the aggregate five hundred pounds.”

Valuation of Land

Revision of county valuation rolls made not later than 31st March, 1951, to be made according to 1942 basic values.
See Reprint of Statutes, Vol. VII, p. 1030
1943, No. 16

35. (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) Notwithstanding anything in section nine of the principal Act, where, pursuant to section eight of that Act, the Valuer-General revises the district valuation roll for any district, being a county or any riding of a county, as at any date not later than the thirty-first day of March, nineteen hundred and fifty-one, he shall, in determining the value of every property to which the revision relates, fix an amount which in his opinion is equivalent to the amount that would, if the Servicemen's Settlement and Land Sales Act, 1943, were still in force, be held to be the basic value of the property under that Act in the event of a sale of the property on the date from which the revision takes effect.

Repeal.
1948, No. 77

(3) Section forty-five of the Statutes Amendment Act, 1948, is hereby repealed.

Victoria University College

Unauthorized expenditure of Council.
1933, No. 26

36. Section thirty-one of the Victoria University College Act, 1933, is hereby amended by omitting the words "one hundred pounds", and substituting the words "five hundred pounds".

Weights and Measures

Regulations as to bread.
See Reprint of Statutes, Vol. VIII, p. 1157

37. (1) Section thirty-nine of the Weights and Measures Act, 1925, is hereby amended by inserting, after paragraph (r) of subsection one, the following paragraph:—

“(rr) Prohibiting the sale or keeping for sale of any class or description of bread, except at the weights specified in and determined in accordance with the regulations, and determining for the purpose of regulations under this paragraph what is to be treated as selling or keeping for sale:”.

(2) Section four of the Weights and Measures Act, 1925, is hereby amended by omitting from paragraph (d) of subsection one the words “in a package”.