

STATUTES AMENDMENT BILL

EXPLANATORY NOTE

Aged and Infirm Persons Protection

Clause 3 applies to the protected estate of every protected person the provisions set out in *clause 15* of the Mental Health Amendment Bill, which provisions relate to the notional preservation of the character of assets and settlements thereof.

Aliens

Clause 5: The effect of this clause is to transfer the administration of the Aliens Act 1948 from the Police Department to the Department of Justice. Applications for registration by aliens will require to be made to a Magistrate's Court instead of to a constable at a police station, the register of aliens will be kept by the Registrar-General instead of by the Commissioner of Police, and other functions at present exercised by constables will be exercised by Registrars of Magistrates' Courts.

Apprentices

Clause 7: The purpose of this clause is to enable a New Zealand Apprenticeship Committee to appoint a subcommittee to which may be delegated the powers and functions of the Committee including powers delegated to the Committee by the Court of Arbitration. A subcommittee shall consist of such number of members as the Committee thinks fit to appoint, but if more than two members are appointed there shall be an equal number of representatives of employers and of workers.

Arbitration Clauses (Protocol) and the Arbitration (Foreign Awards)

Clause 9: Section 4 of the Arbitration Clauses (Protocol) and the Arbitration (Foreign Awards) Act 1933 declares that Part II of that Act (relating to the enforcement of foreign arbitral awards) applies to awards made between persons one of whom is subject to a country recognised by an Order in Council made in the United Kingdom under section 1 of the Arbitration (Foreign Awards) Act 1930 (U.K.) and the other of whom is subject to the jurisdiction of another such country. The United Kingdom Act was repealed by the Arbitration Act 1950 (U.K.) and was re-enacted as Part II of the 1950 Act, but Orders in Council made since 1950 do not form part of the law of New Zealand. The purpose of this clause is to enable Orders in Council to be made in New Zealand declaring the countries that are recognised for the purposes of Part II of the principal Act.

Counties

Clause 11 authorises the investment of money in a Depreciation Fund or Reserve Fund or renewal or replacement fund or fund for construction or repair of roads and bridges of a County Council or Road Board in local authority securities that are trustee investments, but money may not be invested under this provision if the total amount of such securities held at the time of the investment, together with the amount intended to be then invested, will exceed half the total investments of the Fund.

Clause 12: Section 191 (4) of the Counties Act 1956 provides that, except as provided in that Act or in any other Act, all roads shall be not less than 66 feet wide. This clause provides that a county road may be diminished to a width of not less than 40 feet pursuant to a special order where the Council has resolved that the road will be adequate for present and future traffic requirements. In such a case the Council must impose a building line restriction of not less than 33 feet from the middle line of the road. Existing roads may be diminished in width to not less than 40 feet, subject to the imposition of a similar building line restriction.

Dairy Board

Clause 14 increases from £100 to £250 the maximum annual unauthorised expenditure of the New Zealand Dairy Board.

Electric Power Boards

Clause 16 authorises the investment of money in a Depreciation Fund or Reserve Fund of an Electric Power Board in local authority securities that are trustee investments, but money may not be invested under this provision if the total amount of such securities held at the time of the investment, together with the amount intended to be then invested, will exceed half the total investments of the Fund.

Fire Services

Clause 18: Section 6 of the Finance Act (No. 2) 1941, as amended by section 15 of the Finance Act 1945, enables an Urban Fire Authority to pay gratuities to employees who retire, and to the dependants of employees who die, in cases where the total length of service with the Urban Fire Authority has been not less than ten years. The fire service throughout the country is being integrated, and transfers of personnel between brigades is being encouraged. The clause therefore makes special provision for employees of Urban Fire Authorities, and provides that the gratuities may be paid by an Urban Fire Authority in respect of an employee who has not less than ten years' continuous service with that Urban Fire Authority, or not less than fifteen years' continuous service with that Urban Fire Authority and one or more other Urban Fire Authorities. After the passing of the Bill, no person shall receive more than one gratuity under the provision by reason of his employment in the fire service.

Clause 19 amends section 54 of the Fire Services Act 1949 so as to provide a further alternative method of enabling local authorities to meet their contribution to Urban Fire Authorities by allowing them to levy a separate rate based on the value of improvements.

Friendly Societies

Clause 21 increases from £1,000 to £1,050 the maximum amount of the assurance benefit that friendly societies may grant to their members.

Government Railways

Clauses 23 and 24 insert two new sections in the Government Railways Act 1949. The new *section 44A* contains machinery for winding up the Government Railways Employees' Sick Benefit Society, which will be replaced by a welfare society incorporated under the new *section 44B*. Membership of the new welfare society is to be compulsory for persons appointed to the permanent staff of the Department. Section 90 (4) of the principal Act is amended so as to authorise fines imposed by the General Manager on members of the staff to be paid to such welfare society as the Minister may direct.

Harbours

Clause 26 authorises Harbour Boards to invest money in local authority securities that are trustee investments, but money of any particular fund may not be invested under this provision if the total amount of such securities held at the time of the investment, together with the amount intended to be then invested, will exceed half the total investments of that fund.

Historic Places

Clause 28 exempts from estate duty devises to the National Historic Places Trust of land which is of national or local historic interest and bequests of objects of historic interest which are ordinarily kept in a building on land so devised. The exemption will apply only where the land vests in the Trust absolutely on the death of the testator. It would not apply, for instance, if it vested in the Trust subject to a life interest or to payment of any annuity.

Infants

Clause 30 makes it clear that a licence under Part IV of the Infants Act 1908 is not necessary in any case where an infant is lawfully in the home of any person for the purpose of adoption and the requirements of section 6 of the Adoption Act 1955 are being complied with.

Joint Family Homes

Clause 32 provides that where a husband and wife die at the same time or in circumstances which give rise to reasonable doubt as to which of them survived the other, their joint family home is to devolve as if it were owned by the husband and wife when they died as tenants in common in equal shares.

Juries

Clause 34: Section 12 of the Juries Act 1908 provides that for every city or town at which sittings of the Supreme Court are held there shall be a jury district which shall include all places within ten miles of the Courthouse or, in the case of the cities of Auckland, Wellington, Christchurch, and Dunedin, within fifteen miles of the Courthouse. The effect of this clause is to provide for a fifteen mile radius in all cases.

Clause 35: Section 177 of the Juries Act 1908 provides that no verdict by a jury will be affected by reason of any member having been erroneously summoned nor by reason of any irregularity in relation to the jury lists, jury books, precepts, or panels. The effect of this clause will be that a verdict will also not be affected by reason of the fact that any disqualified person served as a juror. The classes of persons who are disqualified are set out in section 6 of the principal Act, as follows:

- (a) Persons who are not British subjects:
- (b) Persons convicted of certain crimes:
- (c) Undischarged bankrupts:
- (d) Persons of bad fame or repute.

Law Practitioners

Clause 37 amends section 99 of the principal Act so as to enable the Council of the New Zealand Law Society or of any District Law Society to appoint an investigating officer with general authority to examine the trust accounts of solicitors. The powers of investigation given by the present section are extended so as to enable the investigating officer, with the consent of the Council of the Law Society, to extend the normal scope of investigations for the purpose of tracing money received by any solicitor or firm of solicitors.

Clause 38: Section 105 of the principal Act provides that a barrister or solicitor who is in practice on his own account shall be deemed to be a member of the District Law Society of every district wherein he is in practice. The clause provides that the Council of a District Law Society may exempt any such barrister or solicitor from membership of the society.

Law Reform

Clause 40: The purpose of this clause is to avoid a procedural difficulty that arises where a person desires to claim damages or compensation the liability for which is covered by insurance, but the person who would be primarily liable is deceased and there is no person willing to take out administration in his estate. The clause provides that in such a case the claimant may give notice to the insurer requiring the insurer to nominate a defendant for the purposes of the proposed action. The insurer may nominate a defendant within fourteen days, but if he does not the claimant may apply to the Court to appoint the Public Trustee to be the administrator *ad litem* of the estate of the person primarily liable, and, if the Court makes the appointment, the action may be commenced against the Public Trustee. The nominated defendant or, as the case may be, the Public Trustee will be entitled to be indemnified by the insurer in respect of any judgment against him and also in respect of costs and expenses reasonably incurred, and the Public Trustee will also be entitled to reasonable remuneration for his services.

Local Authorities (Members' Contracts)

Clause 42: This clause provides that no member of a local authority or of any committee thereof may vote on or take part in the discussion of any matter where he has a pecuniary interest apart from an interest in common with the public. The clause applies generally to all local authorities within the meaning of the Local Authorities (Members' Contracts) Act 1954 provisions which at present apply, in varying forms, to many of them but not to all, but does not apply to the Senate of the University of New Zealand or to the Councils of the several constituent university colleges and of the several agricultural colleges, which have special provisions in their own Acts.

Nothing in the clause is to apply to voting on any resolution authorising any payment to or for the benefit of a member where it is legally payable and the amount has been previously fixed (e.g., travelling expenses), or to contracts of insurance insuring members against personal accident, or to voting at an election to any office in respect of which any remuneration or allowance is or may be payable (e.g., an election of the Chairman of a county).

Clause 43: The effect of this clause is to confer a discretion on the Audit Office as to whether or not to institute proceedings for offences under the Act.

Local Elections and Polls

Clause 45 alters the dates of the general elections of members of the Auckland Electric Power Board, the Auckland Transport Board, the Christchurch Transport Board, and the Christchurch Drainage Board. The next general elections of members of those Boards would all require to be held on the third Saturday in November in 1957, but the effect of this amendment will be that the next general election of members of the Auckland Electric Power Board and of the Auckland Transport Board will be held on the third Saturday in November in the year 1958 and triennially thereafter, and the next general election of members of the Christchurch Transport Board and of the Christchurch Drainage Board will be held on the third Saturday in May in the year 1958 and triennially thereafter.

Marlborough College

Clause 47 changes the name of the Marlborough High School to Marlborough College, which is the name by which the school has been known for many years. Consequential changes are made in the Short Title to the Marlborough High School Act 1899, and in the name of the Board of Governors of the school.

Clause 48: Section 3 of the Marlborough High School Act 1899, so far as it provides for the constitution of the Board of Governors of the school, is overridden by section 90 of the Education Act 1914.

The clause provides for the wording of the said section 3 to be recast in the light of the 1914 provision. The clause also repeals sections 4 to 12 of the 1899 Act, as the provisions of those sections will be covered in the scheme of control for the school.

Municipal Corporations

Clause 50 authorises the investment of money in a Depreciation Fund or Reserve Fund of a City Council or Borough Council or Town Council in local authority securities that are trustee investments, but money may not be invested under this provision if the total amount of such securities held at the time of investment, together with the amount intended to be then invested, will exceed half the total investments of the Fund.

National Roads

Clause 52: Subclause (1) alters the constitution of the National Roads Board, and provides for the appointment of the Director of Roothing in the Ministry of Works and one other officer of the Ministry of Works, but does not prescribe that he must have any particular qualifications. This provision replaces two provisions, one of which requires the appointment of an engineer and the other of which requires the appointment of a person competent to advise the Board on administration.

Subclause (2) provides that the Board is to appoint its Deputy Chairman from among its members. The present Deputy Chairman of the Board is the engineer of the Ministry of Works who is a member of the Board under the provisions being replaced by *subclause (1)*.

Clause 53: Section 7 (6) of the principal Act provides that a District Roads Council may appoint an executive body of not more than three members of the Council, with power to act for the Council. This clause increases the membership of the executive to four, and prescribes that its members shall comprise the

District Commissioner of Works, two of the representatives of local authorities on the Council, and one other member who is the representative on the Council of the owners of commercial motor vehicles or of the owners of private motor vehicles.

Public Revenues

Clause 55 increases the salary of the Controller and Auditor-General from £2,600 a year to £2,640 a year.

Rangitaiki Land Drainage

Clause 57 provides that in any subdivision of the Rangitaiki Land Drainage District that is established for the installation, maintenance, and operation of pumping schemes rates may be made and levied on an acreage basis.

Clause 58: Section 20 (2) of the Rangitaiki Land Drainage Act 1956 declares that all rates made and levied by the Crown before the commencement of that Act should continue to be payable to the Crown. This clause amends that provision as from the commencement of that Act by declaring that all such rates shall be payable to the Board as if they had been made and levied by the Board.

Rating

Clauses 60 and *61* correct two incorrect references in sections 75A and 80A of the Rating Act 1925.

Rehabilitation

Clause 63 extends until 31 March 1960 the provisions of section 4 of the Rehabilitation Amendment Act 1947, which authorises the granting of certain rehabilitation assistance to servicemen's widows.

Reserves and Domains

Clause 65: Sections 82 of the Reserves and Domains Act 1953 makes it lawful for any person who is a member of an administering body to hold any office or place of profit under that body where the payment made or to be made by the administering body in respect of that office or place of profit does not exceed £25 in any financial year. This clause increases the amount which may be paid in any financial year from £25 to £100. The clause is made retrospective in order to validate any payments already made in excess of £25 but not more than £100 in any year.

Royal New Zealand Institute of Horticulture

Clause 67 authorises the Royal New Zealand Institute of Horticulture to grant certificates and diplomas in beekeeping.

Sharebrokers

Clause 69: Section 4 of the Sharebrokers Act 1908 provides that every sharebroker's licence is to be issued by the Secretary for Justice after the application for the licence has been approved by a Magistrate. This clause provides that the licence is to be granted by the Magistrate after the hearing of the application, and that renewals and approvals of temporary substitutes of licensees are to be granted by the Registrar of the Court in which the licence was granted. The Magistrate is substituted for the Minister of Justice as the authority to suspend or cancel licences for misconduct, and the requirement to keep a central register of licences is abolished.

Soil Conservation and Rivers Control

Clause 71 authorises Catchment Boards to invest money in local authority securities that are trustee investments, but money of any particular fund may not be invested under this provision if the total amount of such securities held at the time of the investment, together with the amount intended to be then invested, will exceed half the total investments of that fund.

Tenancy

Clause 73 provides that the premises comprised in a Glasgow lease are to be treated (as between the landlord and tenant under that lease) as a property and not as a dwellinghouse for the purposes of the Tenancy Act 1955.

The leases to which the clause applies are renewable leases which provide for the erection of buildings by the tenant and for the fixing of the rent by valuation of the land alone without taking the buildings or other improvements into account.

Such leases have always been assumed to relate to the bare land as a "property" even where the tenant may have erected a dwellinghouse, because according to the lease the rent is not affected by the erection of any buildings or other improvements.

In a recent case, *Walsh v St. John's College Trust Board* [1957] N.Z.L.R. 680, the Supreme Court decided that where the tenant under a Glasgow lease had erected a dwellinghouse on the land the premises must be treated as a "dwellinghouse" and not as a "property" for the purposes of the Tenancy Act 1955.

The clause preserves the rights of the parties under this judgment, but in all other cases the clause declares the law to be what it has always been assumed to be.

Trustee Savings Banks

Clause 75: Section 24 (1) (c) of the Trustee Savings Banks Act 1948 authorises trustee savings banks to invest their funds in bonds, debentures, or other securities of any local authority. Subsection (6) provides that a bank may not, without the consent of the Minister of Finance, invest money in local authority securities unless the local authority has rating powers and the securities are secured on a rate. This clause removes this restriction, and authorises the bank to invest money in local authority securities provided they are trustee investments under the Trustee Act 1956.

Clause 76 authorises trustee savings banks to accept money on fixed deposit in investment accounts for terms of one year or more. The maximum amount on which interest may be paid on money deposited in investment accounts is to be £1,000, and the bank must invest all money so deposited in New Zealand Government securities.

Tuberculosis

Clause 78 substitutes in section 19 (2) of the Tuberculosis Act 1948 references to sections in the Health Act 1956 for references to sections in the Health Act 1920. As there are some differences in the sections of the 1956 Act that correspond to the sections in the 1920 Act and one of the sections has not been re-enacted, there is some doubt as to whether the provisions of section 21 of the Acts Interpretation Act 1924 would operate to substitute the new sections for those repealed, and the purpose of this clause is to remove that doubt.

Water Supply

Clause 80: The purpose of this clause is to overcome a difficulty that has arisen in proceedings for offences under the Water Supply Act 1908 in proving that the water race concerned is a water race within the meaning of that Act. The term "water race" is defined in that Act as including a channel constructed by or under the authority of a County Council or Water Supply Board and also a channel constructed through private land with the permission of the owner of the land. Section 31 of the Act also requires a map of the water supply district showing the course of water races to be deposited in the Magistrate's Court. Many water races were constructed many years ago and the original maps have been lost, and records are not available to prove that the races were constructed by a County Council or Water Supply Board or with the permission of the owner of land on which they were constructed.

This clause provides that in proceedings for offences it will not be necessary to produce the map of the water races in the district, and the Court may decide that a water race is one within the meaning of the Act if it is satisfied that the water race is or has been or is capable of being supplied with water from a source constructed by or under the control of the Council or Water Supply Board or is in fact part of a system of water races. It will not be necessary to prove that any water race was constructed by or under the authority of the Council or Board nor, if it is constructed through private land, that it was so constructed with the permission of the owner of the land.

Wool Labelling

Clause 82 amends section 2 of the principal Act so as to bring all pile fabrics and floor coverings which contain wool within the definition of the term "wool product". Section 3 is amended so as to provide that, in the case of pile fabrics and floor coverings, the percentage by weight of wool to be shown under subsections (1), (2), and (3) shall be related to the pile or surface yarn and not to the whole product.

Hon. Mr Marshall

STATUTES AMENDMENT

ANALYSIS

Title	
1. Short Title	11. Investment of funds in local authority securities 12. Width of county roads
<i>Aged and Infirm Persons Protection</i>	<i>Dairy Board</i>
2. Sections to be read with Aged and Infirm Persons Protection Act 1912	13. Sections to be read with Dairy Board Act 1953
3. Notional preservation of character of assets of protected estate, and settlements thereof	14. Unauthorised expenditure
<i>Aliens</i>	<i>Electric Power Boards</i>
4. Sections to be read with Aliens Act 1948	15. Sections to be read with Electric Power Boards Act 1925
5. Administration of principal Act transferred to Department of Justice	16. Investment of funds in local authority securities
<i>Apprentices</i>	<i>Fire Services</i>
6. Sections to be read with Apprentices Act 1948	17. Sections to be read with Fire Services Act 1949
7. Delegation of powers by New Zealand Committee	18. Grants on retirement or death of employees of Urban Fire Authorities
<i>Arbitration Clauses (Protocol) and the Arbitration (Foreign Awards)</i>	19. Power of local authority to levy rates
8. Sections to be read with Arbitration Clauses (Protocol) and the Arbitration (Foreign Awards) Act 1933	<i>Friendly Societies</i>
9. Application of Part II of principal Act	20. Sections to be read with Friendly Societies Act 1909
<i>Counties</i>	21. Increasing maximum gross sum for contracts of insurance
10. Sections to be read with Counties Act 1956	<i>Government Railways</i>
	22. Sections to be read with Government Railways Act 1949
	23. Provision for winding up of Government Railways Employees' Sick Benefit Society
	24. Railway welfare societies

Harbours

25. Sections to be read with Harbours Act 1950
 26. Investment of funds in local authority securities

Historic Places

27. Sections to be read with Historic Places Act 1954
 28. Estate duty exemption for gifts to National Historic Places Trust

Infants

29. Sections to be read with Infants Act 1908
 30. Unauthorised person not to receive infant

Joint Family Homes

31. Sections to be read with Joint Family Homes Act 1950
 32. Devolution of joint family homes in cases of simultaneous deaths

Juries

33. Sections to be read with Juries Act 1908
 34. Jury districts
 35. Verdicts not affected by informalities

Law Practitioners

36. Sections to be read with Law Practitioners Act 1955
 37. Appointment of authorised person to investigate affairs of solicitor
 38. Membership of District Law Societies

Law Reform

39. Sections to be read with Law Reform Act 1936
 40. Claims for damages or compensation against estate of deceased owner where no personal representative

Local Authorities (Members' Contracts)

41. Sections to be read with Local Authorities (Members' Contracts) Act 1954
 42. Member of local authority or committee not to vote on question in which he has pecuniary interest
 43. Audit Office to institute proceedings

Local Elections and Polls

44. Sections to be read with Local Elections and Polls Act 1953
 45. Date of general elections

Marlborough College

46. Sections to be read with Marlborough High School Act 1899

47. Name of school
 48. Board of Governors

Municipal Corporations

49. Sections to be read with Municipal Corporations Act 1954
 50. Investment of funds in local authority securities

National Roads

51. Sections to be read with National Roads Act 1953
 52. Amending provisions as to National Roads Board
 53. Executive of District Roads Council

Public Revenues

54. Sections to be read with Public Revenues Act 1953
 55. Salary of Controller and Auditor-General

Rangitaiki Land Drainage

56. Sections to be read with Rangitaiki Land Drainage Act 1956
 57. Rates for pumping schemes may be made on acreage basis
 58. Arrears of rates to be paid to Board

Rating

59. Sections to be read with Rating Act 1925
 60. Amending provisions as to postponement of rates
 61. Amending provisions as to sale or letting of abandoned properties

Rehabilitation

62. Sections to be read with Rehabilitation Act 1941
 63. Extending duration of powers to assist servicemen's widows

Reserves and Domains

64. Sections to be read with Reserves and Domains Act 1953
 65. Contracts by members with administering body

Royal New Zealand Institute of Horticulture

66. Sections to be read with Royal New Zealand Institute of Horticulture Act 1953
 67. Certificates and diplomas in bee-keeping

Sharebrokers

68. Sections to be read with Sharebrokers Act 1908
 69. Amending provisions as to sharebrokers' licences

Soil Conservation and Rivers Control

70. Sections to be read with Soil Conservation and Rivers Control Act 1941

71. Investment of funds in local authority securities

Tenancy

72. Sections to be read with Tenancy Act 1955

73. Premises comprised in Glasgow leases deemed to be properties

Trustee Savings Banks

74. Sections to be read with Trustee Savings Banks Act 1948

75. Investment of money in local authority securities

76. Investment accounts

Tuberculosis

77. Sections to be read with Tuberculosis Act 1948

78. Application of provisions of Health Act 1956

Water Supply

79. Sections to be read with Water Supply Act 1908

80. Proof of water races

Wool Labelling

81. Sections to be read with Wool Labelling Act 1949

82. Labelling of pile fabrics and floor coverings Schedules

A BILL INTITULED

An Act to amend certain enactments of the General Assembly

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

5 follows:

1. **Short Title**—This Act may be cited as the Statutes Amendment Act 1957.

Aged and Infirm Persons Protection

2. **Sections to be read with Aged and Infirm Persons Protection Act 1912**—This section and the next succeeding section shall be read together with and deemed part of the Aged and Infirm Persons Protection Act 1912 (in that section referred to as the principal Act).

3. **Notional preservation of character of assets of protected estate, and settlements thereof**—The principal Act is hereby amended by inserting, after section twenty-six, the following section:

“26A. Sections one hundred and nineteen A to one hundred and nineteen G of the Mental Health Act 1911 (as inserted by section fifteen of the Mental Health Amendment Act 1957) shall apply to the protected estate of every protected person as if—

(a) Every reference in those sections (except in the said section one hundred and nineteen F) to mentally

defective persons or a mentally defective person were a reference to protected persons or a protected person, as the case may be; and

- (b) Every reference in those sections to capital money or money or property were a reference to capital money or money or property forming part of the protected estate; and 5
- (c) Every reference in those sections (except in paragraph (a) of subsection five of the said section one hundred and nineteen D) to the Mental Health Act 1911 were a reference to this Act; and 10
- (d) Every reference in those sections (except in paragraph (a) of subsection five of the said section one hundred and nineteen D) to the administrator or committee of the estate of a mentally defective person were a reference to the manager of the protected estate of a protected person. 15

Aliens

4. Sections to be read with Aliens Act 1948—This section and the next succeeding section shall be read together with and deemed part of the Aliens Act 1948 (in that section referred to as the principal Act). 20

5. Administration of principal Act transferred to Department of Justice—(1) Section two of the principal Act is hereby amended by repealing the definition of the term “Minister”, and substituting the following definition: 25

“‘Minister’ means the Minister of Justice.”.

(2) The principal Act is hereby amended in the manner indicated in the First Schedule to this Act.

Apprentices

6. Sections to be read with Apprentices Act 1948—This section and the next succeeding section shall be read together with and deemed part of the Apprentices Act 1948 (hereinafter referred to as the principal Act). 30

7. Delegation of powers by New Zealand Committee— 35
The principal Act is hereby amended by inserting, after section fourteen, the following section:

“14A. (1) Any New Zealand Committee may, by resolution, appoint a subcommittee consisting of such one or more of its members as the Committee thinks fit. 40

“(2) Where the number of members of any subcommittee is more than two, there shall be an equal number of representatives of employers and of workers appointed to the subcommittee.

5 “(3) The New Zealand Committee may from time to time, by resolution, delegate to a subcommittee appointed by it under this section all or any of the powers exercisable by the Committee under this Act including any powers delegated to the Committee, but not including this present power of
10 delegation.

“(4) Each power delegated under subsection three of this section shall be specified in the resolution delegating the power.

“(5) Subject to any general or special directions given or conditions attached by the New Zealand Committee, the sub-
15 committee to whom any powers are delegated under this section may exercise those powers in the same manner and with the same effect as if they had been conferred on the subcommittee directly by this section and not by delegation.

“(6) Every subcommittee purporting to act pursuant to any
20 delegation under this section shall be presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary.

“(7) Every delegation under this section shall be revocable at the will of the New Zealand Committee, and no such delegation shall prevent the exercise of any power by the Com-
25 mittee.”

Arbitration Clauses (Protocol) and the Arbitration (Foreign Awards)

30 **8. Sections to be read with Arbitration Clauses (Protocol) and the Arbitration (Foreign Awards) Act 1933**—This section and the next succeeding section shall be read together with and deemed part of the Arbitration Clauses (Protocol) and the Arbitration (Foreign Awards) Act 1933 (in that section referred to as the principal Act).

35 **9. Application of Part II of principal Act**—The principal Act is hereby amended by repealing section four, and substituting the following section:

40 “4. (1) This Part of this Act applies to any award made after the twenty-eighth day of July, nineteen hundred and twenty-four,—

- “(a) In pursuance of an agreement for arbitration to which the protocol set out in the First Schedule to this Act applies; and
- “(b) Between persons of whom one is subject to the jurisdiction of one of the Powers which the Governor-General, being satisfied that reciprocal provisions have been made, by Order in Council declares to be parties to the said Convention, and of whom the other is subject to the jurisdiction of another of those Powers; and
- “(c) In one of such territories as the Governor-General, being satisfied that reciprocal provisions have been made, by Order in Council declares to be territories to which the said Convention applies,—
- and an award to which this Part of this Act applies is in this Part referred to as a foreign award.
- “(2) Every Order in Council made in the United Kingdom under section one of the Arbitration (Foreign Awards) Act 1930 of the Parliament of the United Kingdom which is in force in New Zealand at the date of the commencement of this section shall be deemed to have been duly made under the provisions of this Act, but the Governor-General may, by Order in Council, declare that any such first-mentioned Order in Council shall cease to have effect as part of the law of New Zealand.”

Counties

10. Sections to be read with Counties Act 1956—This section and the next two succeeding sections shall be read together with and deemed part of the Counties Act 1956 (in those sections referred to as the principal Act).

11. Investment of funds in local authority securities—
 (1) Section one hundred and fifty-seven of the principal Act is hereby amended by inserting, after paragraph (e), the following paragraph:

- “(ee) In the debentures or stock of any local authority within the meaning of the Local Authorities Loans Act 1956 that are authorised investments for the investment of trust funds under the provisions of section four of the Trustee Act 1956:

“Provided that the Commissioners shall not be entitled under this paragraph so to invest any money forming part of the Depreciation Fund, if at the time of the investment the total amount of the securities of such local authorities held pursuant to this paragraph or to paragraph (f) of this section as investments of that Fund, together with the money proposed to be then invested, exceeds half the total investments for the time being of the money in that Fund; or”.

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10 (2) Section one hundred and sixty-four of the principal Act is hereby amended by inserting in subsection six, after paragraph (e), the following paragraph:

15 “(ee) In the debentures or stock of any local authority within the meaning of the Local Authorities Loans Act 1956 that are authorised investments for the investment of trust funds under the provisions of section four of the Trustee Act 1956:

20 “Provided that the Council shall not be entitled under this paragraph so to invest any money forming part of the Reserve Fund, if at the time of the investment the total amount of the securities of such local authorities held pursuant to this paragraph or to paragraph (f) of this subsection as investments of that Fund, together with the money proposed to be then invested, exceeds half the total investments for the time being of the money in that Fund; or”.

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30 **12. Width of county roads**—Section one hundred and ninety-one of the principal Act is hereby amended by repealing subsection four, and substituting the following subsections:

“ (4) Except as otherwise provided in this or any other Act, every county road shall be not less than sixty-six feet wide measured at right angles to its course:

35 “Provided that, where it is difficult or inexpedient to lay off a road at a width of sixty-six feet throughout the whole of its length as required by this subsection and the Council has resolved that any specified width (being not less than forty feet) is adequate for present and likely future traffic over that
40 road, the Council may, pursuant to a special order in that behalf, lay off or permit the laying off of that road at that specified width for the whole or any part or parts of its length:

“Provided further that, except where the road serves only industrial or commercial premises, the Council shall in every such special order require that, when new buildings are erected or any buildings are rebuilt or re-erected on land having a frontage to any part of that road which has a width of less than sixty-six feet, no part of any such buildings shall stand within a specified distance (being not less than thirty-three feet) of the middle line of the road. 5

“(4A) The provisions of section one hundred and twenty-eight of the Public Works Act 1928 shall not apply with respect to any land having a frontage to any part of a road which has been laid off at a width of less than sixty-six feet pursuant to a special order under subsection four of this section. 10

“(4B) As soon as conveniently may be after the making of a special order under subsection four of this section, the Council shall send a copy of the special order to the District Land Registrar or the Registrar of Deeds, as the case may require, who shall, without payment of any fee, deposit the same in his office and register against the title to all land affected thereby a memorandum under his hand that the land is subject to the building line restriction specified in the second proviso to subsection four of this section. 15 20

“(4C) Any road may be diminished in width for the whole or any part of its length subject to and in accordance with the provisions of this Act and any other Act to less than sixty-six feet but not less than forty feet, provided the Council first resolves that the proposed width will be adequate for present and future traffic over that road.” 25

Dairy Board

13. Sections to be read with Dairy Board Act 1953—This section and the next succeeding section shall be read together with and deemed part of the Dairy Board Act 1953 (in that section referred to as the principal Act). 30

14. Unauthorised expenditure—Section eighteen of the principal Act is hereby amended by omitting the words “one hundred pounds”, and substituting the words “two hundred and fifty pounds”. 35

Electric Power Boards

15. Sections to be read with Electric Power Boards Act 1925—This section and the next succeeding section shall be read together with and deemed part of the Electric Power Boards Act 1925. 40

16. Investment of funds in local authority securities—

(1) Section twenty-three of the Electric Power Boards Amendment Act 1927 is hereby amended by inserting in subsection one, after paragraph (c), the following paragraph:

5 “(cc) In the debentures or stock of any local authority within the meaning of the Local Authorities Loans Act 1956 that are authorised investments for the investment of trust funds under the provisions of section four of the Trustee Act 1956:

10 “Provided that the Commissioners shall not be entitled under this paragraph so to invest any money forming part of the Depreciation Fund, if at the time of the investment the total amount of the securities of such local authorities held pursuant to this paragraph or to paragraph (d) of this subsection as investments of that Fund, together with the money proposed to be then invested, exceeds half the total investments for the time being of the money in that Fund; or”.

15
20 (2) Section thirty of the Electric Power Boards Amendment Act 1927 is hereby amended by inserting in subsection six, after paragraph (c), the following paragraph:

25 “(cc) In the debentures or stock of any local authority within the meaning of the Local Authorities Loans Act 1956 that are authorised investments for the investment of trust funds under the provisions of section four of the Trustee Act 1956:

30 “Provided that the Board shall not be entitled under this paragraph so to invest any money forming part of the Reserve Fund, if at the time of the investment the total amount of the securities of such local authorities held pursuant to this paragraph or to paragraph (d) of this subsection as investments of that Fund, together with the money proposed to be then invested, exceeds half the total investments for the time being of the money in that Fund; or”.

Fire Services

35
40 **17. Sections to be read with Fire Services Act 1949—**This section and the next two succeeding sections shall be read together with and deemed part of the Fire Services Act 1949 (in those sections referred to as the principal Act).

18. Grants on retirement or death of employees of Urban Fire Authorities—(1) The principal Act is hereby amended by inserting, after section forty, the following section:

“40A. (1) On the retirement from the service of any Urban Fire Authority of any employee who has had not less than ten years’ continuous service with that Urban Fire Authority, or not less than fifteen years’ continuous service with that Urban Fire Authority and one or more other Urban Fire Authorities, that Urban Fire Authority may pay to him by way of gratuity an amount not exceeding an amount equal to six months’ pay at the rate payable to him at the time of his retirement.

“(2) On the death of any such employee (whether before or after his retirement, but before he has received a gratuity under subsection one of this section) the Urban Fire Authority may pay to his dependants or any of them by way of gratuity an amount not exceeding an amount equal to six months’ pay at the rate payable to him at the time of his retirement or (if he died before retirement) at the time of his death.

“(3) For the purposes of this section service with an Urban Fire Authority shall be deemed to include service with any other Urban Fire Authority which was the predecessor of that Urban Fire Authority; and an Urban Fire Authority shall be deemed to be the predecessor of another Urban Fire Authority in any case where on its dissolution or in any other circumstances, its functions or any of its functions have been transferred to that other Urban Fire Authority.

“(4) After the commencement of this section, no person shall receive more than one gratuity under this section by reason of his employment in the fire service.”

(2) Section six of the Finance Act (No. 2) 1941, as amended by section eighty-six of the principal Act, is hereby further amended by omitting the words “Urban Fire Authority”.

(3) The principal Act is hereby amended by repealing so much of the Fifth Schedule as relates to the Finance Act (No. 2) 1941.

19. Power of local authority to levy rates—(1) Section fifty-four of the principal Act is hereby amended by repealing subsection one, and substituting the following subsection:

“(1) In order to raise any amount required to be contributed by it towards the annual expenditure of an Urban Fire Authority, or any amount which it has to pay to such an Authority or to an industrial fire brigade under an agreement for the protection of any area or property in its district

from *fire*, any local authority may either pay the same out of its General Account or make and levy for that purpose a separate rate on the rateable property in the part of its district which is included in the district of the Urban Fire Authority, or which includes any area or property so protected, or (if the local authority so decides) on the value of the improvements on that rateable property.”

(2) Section twenty-three of the Fire Services Amendment Act 1953 is hereby consequentially repealed.

10

Friendly Societies

20. Sections to be read with Friendly Societies Act 1909—This section and the next succeeding section shall be read together with and deemed part of the Friendly Societies Act 1909 (in that section referred to as the principal Act).

15

21. Increasing maximum gross sum for contracts of insurance—(1) The principal Act (as amended by section two of the Friendly Societies Amendment Act 1954) is hereby further amended as follows:

20

(a) By omitting from subsection two of section eleven the words “one thousand pounds”, and substituting the words “one thousand and fifty pounds”:

(b) By omitting from subsection one of section fifty-one the words “one thousand pounds”, and substituting the words “one thousand and fifty-pounds”.

25

(2) The Friendly Societies Amendment Act 1954 is hereby repealed.

Government Railways

30

22. Sections to be read with Government Railways Act 1949—This section and the next two succeeding sections shall be read together with and deemed part of the Government Railways Act 1949 (in those sections referred to as the principal Act).

35

23. Provision for winding up of Government Railways Employees’ Sick Benefit Society—The principal Act is hereby amended by inserting, after section forty-four, the following section:

“44A. (1) The Minister may—

“(a) At any time by notice in the *Gazette*, fix a date for the cessation of contributions to the Government

Railways Employees' Sick Benefit Society established under section forty-four of this Act; and no such contributions shall be payable in respect of any period after that date:

“(b) By the same or a subsequent notice in the *Gazette*,
fix a date for the cessation of the liability of the
Government Railways Employees' Sick Benefit
Society for payment of sick pay to its members in
respect of any period of sickness of any member
which commences on or after that date; and that
liability shall cease on that date: 5 10

“Provided that nothing in this paragraph shall
affect the liability of that Society for payment of
sick pay to its members in respect of any period
of sickness of any member which commenced before
that date: 15

“(c) By the same or a subsequent notice in the *Gazette*,
dissolve the Government Railway Employees' Sick
Benefit Society as from the date of the notice or
any subsequent date. 20

“(2) The surplus funds of the Government Railways Em-
ployees' Sick Benefit Society shall, upon the dissolution of the
Society, be distributed or disposed of as the Minister may
direct and subject to such conditions as he may impose.”

24. Railway welfare societies—(1) The principal Act is
hereby amended by inserting, after section forty-four A, the
following section: 25

“44B. (1) The Governor-General may from time to time,
by Order in Council,—

“(a) Constitute as a body corporate, or provide for the
constitution as a body corporate of, any welfare
society of employees for the purpose of providing
relief or assistance or benefits to members of the
society: 30

“(b) Provide for the winding up of any such welfare
society: 35

“(c) Make regulations which confer or provide for the
conferring on any such welfare society of such
functions and powers and which contain such other
provisions, not inconsistent with this Act, as may
in his opinion be necessary or expedient for giving
effect to the provisions of this section and for the
due administration thereof. 40

“(2) The Minister may, at the request of the controlling body of any such welfare society, make arrangements for the collection of contributions due by its members to any welfare fund established by the society. The contributions may be paid
5 into the Working Railways Account, and shall be held therein by the Minister as agent for the society.

“(3) Subject to the prior approval of the Minister and to such conditions as he may think fit to impose, being conditions that are approved by the Minister of Finance, there may from
10 time to time be advanced out of the Working Railways Account on loan to any such welfare society such amounts as do not exceed in the aggregate half the income of the society as estimated by the General Manager of Railways for the year in which the amounts are advanced.

“(4) Any payments due by any such welfare society in accordance with its rules may be paid out of money in the Working Railways Account appropriated by Parliament for the purpose, being money (including advances) that is held
15 in that Account for the society.

“(5) Any money held in the Working Railways Account on behalf of any such welfare society may, at the request of the controlling body or of the trustees of the funds of the society, be invested by the Minister in the Post Office Savings Bank or in the Common Fund of the Public Trust Office or
20 in any securities in which trust funds may for the time being be invested.

“(6) No rules, or amendments thereto, made by any such welfare society in relation to its welfare fund shall have effect until they are approved by the Minister.

“(7) The Minister shall fix a date (hereinafter in this section referred to as “the appointed date”) on which the collection of contributions from members of any such welfare society shall commence. After the appointed date no person shall be permanently appointed to a position in the Department or indentured as an apprentice except on the condition
35 that he shall become a contributor to and be entitled to the benefits of the welfare fund subject to the rules of such a society.

“(8) For the purposes of this section full time employees of service organisations shall be deemed to be employees of
40 the Department.”

(2) Section ninety of the principal Act is hereby amended by adding to subsection four the words “or to such welfare society constituted under section forty-four B of this Act as
45 the Minister directs.

Harbours

25. Sections to be read with Harbours Act 1950—This section and the next succeeding section shall be read together with and deemed part of the Harbours Act 1950 (in that section referred to as the principal Act).

5

26. Investment of funds in local authority securities—Section fifty-three of the principal Act is hereby amended by inserting, after paragraph (e), the following paragraph:

“(ee) In the debentures or stock of any local authority within the meaning of the Local Authorities Loans Act 1956 that are authorised investments for the investment of trust funds under the provisions of section four of the Trustee Act 1956:

10

“Provided that the Board shall not be entitled under this paragraph so to invest any money forming part of any particular Fund of the Board, if at the time of the investment the total amount of the securities of such local authorities held pursuant to this paragraph or to paragraph (f) of this section as investments of that Fund, together with the money proposed to be then invested, exceeds half the total investments for the time being of the money in that Fund:”.

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20

Historic Places

27. Sections to be read with Historic Places Act 1954—This section and the next succeeding section shall be read together with and deemed part of the Historic Places Act 1954 (in that section referred to as the principal Act).

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28. Estate duty exemption for gifts to National Historic Places Trust—Section twenty-two of the principal Act is hereby amended by adding the following subsection:

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“(5) Where, by virtue of a devise or bequest made by any person, the whole of his estate or interest in land of national or local historic interest, or in that land together with any things of national or local historic interest ordinarily kept in a building on that land, becomes on his death indefeasibly vested in possession in the Trust and held by the Trust for the purposes of this Act free of any trust for the benefit of any other person, that estate or interest shall not form part of the dutiable estate of that person for the purposes of the Estate and Gift Duties Act 1955.”

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Infants

29. **Sections to be read with Infants Act 1908**—This section and the next succeeding section shall be read together with and deemed part of the Infants Act 1908 (in that section referred to as the principal Act).

30. **Unauthorised person not to receive infant**—(1) Section forty-one of the principal Act, as amended by subsection one of section forty-three of the Child Welfare Act 1925, is hereby further amended by repealing subsection one, and substituting the following subsection:

“(1) It shall not be lawful for any person to receive or retain in his care or charge any infant for the purpose of nursing or maintaining it apart from its parents or guardians for a longer period than seven consecutive days, unless—

15 “(a) The person is licensed under this Part of this Act as a foster parent; or

“(b) The infant is lawfully in the home of the person for the purpose of adoption and the requirements of section six of the Adoption Act 1955 are being complied with.”

20 (2) Subsection one of section forty-three of the Child Welfare Act 1925 is hereby consequentially repealed.

Joint Family Homes

31. **Sections to be read with Joint Family Homes Act 1950**—
25 This section and the next succeeding section shall be read together with and deemed part of the Joint Family Homes Act 1950 (in that section referred to as the principal Act).

32. **Devolution of joint family homes in cases of simultaneous deaths**—(1) Section seven of the principal Act is hereby
30 amended by adding to paragraph (b) of subsection two the following proviso:

“Provided that, notwithstanding anything in any other Act, if after the commencement of this proviso the husband and wife die at the same time or in circumstances which give rise
35 to reasonable doubt as to which of them survived the other, the joint family home (so subject) shall devolve as if it were owned by the husband and wife at their deaths as tenants in common in equal shares.”.

(2) This section shall come into force on the first day of November nineteen hundred and fifty-seven.

Juries

33. Sections to be read with Juries Act 1908—This section and the next two succeeding sections shall be read together with and deemed part of the Juries Act 1908 (in those sections referred to as the principal Act). 5

34. Jury districts—(1) Section twelve of the principal Act (as amended by section three of the Juries Amendment Act 1951) is hereby further amended as follows: 10

(a) By omitting from paragraph (a) of subsection one the words “ten miles or, in the case of the cities of Auckland, Wellington, Christchurch, and Dunedin, within fifteen miles”, and substituting the words “fifteen miles”: 15

(b) By omitting from paragraph (b) of subsection one the words “ten miles or, in the case of the said cities, fifteen miles”, and substituting the words “fifteen miles”.

(2) Section three of the Juries Amendment Act 1951 is hereby repealed. 20

35. Verdicts not affected by informalities—Section one hundred and seventy-seven of the principal Act is hereby amended by adding the words “nor by reason that any disqualified person served as a juror”. 25

Law Practitioners

36. Sections to be read with Law Practitioners Act 1955—This section and the next two succeeding sections shall be read together with and deemed part of the Law Practitioners Act 1955 (in those sections referred to as the principal Act). 30

37. Appointment of authorised person to investigate affairs of solicitor—(1) Subsection one of section ninety-nine of the principal Act is hereby amended—

(a) By omitting the words “any specified solicitor or firm”, and substituting the words “solicitors or firms”: 35

(b) By omitting the words “that solicitor”, and substituting the words “any solicitor”.

(2) Section ninety-nine of the principal Act is hereby further amended by repealing subsection three, and substituting the following subsections:

5 “(3) Upon production by any person so appointed of the instrument of his appointment as aforesaid, he may—

10 “(a) Require any solicitor or firm of solicitors or any servant, agent, or banker of any solicitor or firm of solicitors, to produce to him all books, papers, accounts, securities, or other documents relating to the business or accounts of any solicitor or firm of solicitors, and to give all information in relation thereto that may be reasonably required by him; and

15 “(b) Inspect all ledgers, books of account, pass books, cheques, and records relating to any money received by any solicitor or firm of solicitors, or any servant, agent, or banker of any solicitor or firm of solicitors, whether the money has been paid into a private account or a trust account at a bank or has not been paid to any such account:

20 “Provided that the powers conferred by this paragraph (b) shall not be exercised except pursuant to a resolution of the Council of the New Zealand Law Society or of any District Law Society passed in relation to any specified solicitor or firm of solicitors.”

38. Membership of District Law Societies—Section one hundred and five of the principal Act is hereby amended by adding to subsection one the following proviso:

30 “Provided that the Council of a District Law Society may exempt any such person from membership of the society, subject to such conditions as that Council may impose; and, while any such exemption continues and all conditions governing the exemption are complied with, the person who is

35 granted the exemption shall not be a member of the District Law Society.”

Law Reform

39. Sections to be read with Law Reform Act 1936—This section and the next succeeding section shall be read together with and deemed part of the Law Reform Act 1936 (in that section referred to as the principal Act).

40. Claims for damages or compensation against estate of deceased owner where no personal representative—The principal Act is hereby amended by inserting, after section nine, the following section:

“9A. (1) Where—

“(a) Any person desires to claim damages or compensation on account of any event, whether happening before or after the commencement of this section, in respect of which a contract of insurance was in force at the time of the happening of the event indemnifying the insured from liability in respect of those damages or that compensation; and

“(b) The insured is deceased and he has no personal representative in New Zealand,—

the person desiring to claim those damages or that compensation may give notice in writing to the insurer requiring the insurer to nominate some person to be the defendant in place of the insured in any action proposed to be brought in any Court claiming those damages or that compensation.

“(2) Within fourteen days after the service on the insurer of such a notice, the insurer may, by notice in writing served on the claimant, nominate some person (with his consent) to be the defendant in the proposed action, and thereupon the claimant may sue the defendant so nominated, describing him as the administrator *ad litem* of the estate of the insured.

“(3) If within the said period of fourteen days the insurer does not nominate a defendant as aforesaid, the Court in which an action claiming those damages or that compensation is intended to be commenced may, on the application of the claimant, appoint the Public Trustee to be the administrator *ad litem* of the estate of the insured for the purposes of the intended action, and it shall be the duty of the Public Trustee to act as such.

“(4) Where any such appointment is made, the claimant may sue the Public Trustee, describing him as the administrator *ad litem* of the estate of the insured.

“(5) The person nominated as the defendant by the insurer or, as the case may be, the Public Trustee shall be indemnified by the insurer in respect of any judgment against him (including the costs of the action and any costs awarded under subsection six of this section), and also in respect of all costs and

expenses reasonably incurred by him in or in connection with the action irrespective of the result of the action, and, in the case of the Public Trustee, shall be entitled to recover from the insurer reasonable remuneration for his services:

- 5 “Provided that, where in any such action the plaintiff obtains judgment against the administrator *ad litem*, the judgment shall not be enforceable against the administrator *ad litem* by execution or otherwise except to the extent to which the insured was entitled to be indemnified by the insurer
- 10 under the contract of insurance, and, to the extent to which the judgment is not so enforceable, the amount thereof shall be deemed to be a liability of the estate (if any) of the insured, and shall be enforceable accordingly against that estate.
- 15 “(6) Where in any action against the Public Trustee as administrator *ad litem* the plaintiff recovers judgment, the Court may award the plaintiff his costs of and incidental to the order appointing the Public Trustee as such administrator.
- 20 “(7) No appointment or nomination of an administrator *ad litem* under this section shall confer any rights or impose any obligations on the Public Trustee or on the person so nominated in respect of any other assets of the estate of the insured or any liabilities in connection with that estate.”

Local Authorities (Members' Contracts)

- 25 **41. Sections to be read with Local Authorities (Members' Contracts) Act 1954**—This section and the next two succeeding sections shall be read together with and deemed part of the Local Authorities (Members' Contracts) Act 1954 (in those sections referred to as the principal Act).
- 30 **42. Member of local authority or committee not to vote on question in which he has pecuniary interest**—(1) The principal Act is hereby amended by inserting, after section five, the following section:
- 35 “5A. (1) A member of a local authority or of a committee thereof shall not vote on or take part in the discussion of any matter before the governing body of that local authority or before that committee in which he has directly or indirectly any pecuniary interest apart from any interest in common with the public:

“Provided that nothing in this subsection shall apply to any of the following matters:

- “(a) Any payment to or for the benefit of a member where it is legally payable and the amount or the rate of the payment has already been fixed; or 5
- “(b) Any contract of insurance insuring members against personal accident; or
- “(c) An election or appointment of a member of the local authority to any office, notwithstanding that any remuneration or allowance is or may be payable 10 in respect of that office.

“(2) Where a member knowingly offends against this section,—

- “(a) He shall be liable on summary conviction to a fine not exceeding fifty pounds; and 15
- “(b) On conviction his office as a member of that local authority and of any committee thereof shall thereby be vacated; and
- “(c) The vacancy shall be deemed an extraordinary vacancy and shall be dealt with in the manner (if any) 20 provided by law for dealing with extraordinary or casual vacancies in the membership of that local authority or committee, and, if no provision exists for dealing with extraordinary or casual vacancies, may be dealt with in such manner as the Governor- 25 General in Council prescribes:

“Provided that no proceedings may be commenced after the commencement of this section in respect of anything done before the commencement of this section which would not have been an offence under this section if this section had then 30 been in force.

“(3) In this section the term ‘local authority’ does not include—

- “(a) The Senate of the University of New Zealand:
- “(b) The Council of the University of Otago: 35
- “(c) The Council of the University of Canterbury:
- “(d) The Council of the University of Auckland:
- “(e) The Council of the Victoria University of Wellington:
- “(f) The Massey Agricultural College Council:
- “(g) The Board of Governors of Canterbury Agricultural 40 College.”

(2) Section twenty-five of the Nassella Tussock Act 1946 is hereby amended by omitting from subsection one the words "or is convicted of an offence under section twenty-eight of this Act".

5 (3) The enactments specified in the Second Schedule to this Act are hereby repealed.

(4) Regulation thirteen of the Underground Water Committee Regulations 1957 is hereby revoked.

10 **43. Audit Office to institute proceedings**—The principal Act is hereby amended by repealing section six, and substituting the following section:

15 "6. The Audit Office shall, if it considers that the circumstances warrant it, institute the necessary proceedings against any member who commits an offence under this Act, but nothing herein shall be so construed as to prevent any such proceedings from being taken by any other person."

Local Elections and Polls

20 **44. Sections to be read with Local Elections and Polls Act 1953**—This section and the next succeeding section shall be read together with and deemed part of the Local Elections and Polls Act 1953 (in that section referred to as the principal Act).

45. Date of general elections—(1) Section four of the principal Act is hereby amended as follows:

25 (a) By omitting from subsection two the words "nineteen hundred and fifty-four", and substituting the words "nineteen hundred and fifty-eight":

(b) By omitting from subsection three the words "nineteen hundred and fifty-four", and substituting the words

30 (c) By omitting from subsection four the words "third Saturday in November in the year nineteen hundred and fifty-four", and substituting the words "third Saturday in May in the year nineteen hundred and fifty-eight":

35 (d) By omitting from subsection five the words "third Saturday in November in the year nineteen hundred and fifty-four", and substituting the words "third Saturday in May in the year nineteen hundred and fifty-eight".

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(2) The Christchurch Tramway District Act 1920 is hereby amended as follows:

(a) By omitting from subsection one of section nine the word "September", and substituting the word "March": 5

(b) By omitting from subsection four of section thirteen the word "October", and substituting the word "April":

(c) By omitting from the third proviso to section twenty-six the words "last Tuesday in November", and substituting the words "third Saturday in May". 10

(3) Section nineteen of the Christchurch District Drainage Act 1951 is hereby amended by omitting the word "December", and substituting the word "June".

Marlborough College

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46. Sections to be read with Marlborough High School Act 1899—This section and the next two succeeding sections shall be read together with and deemed part of the Act heretofore known as the Marlborough High School Act 1899 (in those sections referred to as the principal Act). 20

47. Name of school—(1) The principal Act is hereby amended—

(a) By omitting from the title the words "High School", and substituting the word "College":

(b) By omitting from section one the words "The Marlborough High School Act 1899", and substituting the words "the Marlborough College Act 1899": 25

(c) By omitting from section two the words "The Marlborough High School", and substituting the words "Marlborough College". 30

(2) Section ninety of the Education Act 1914 is hereby amended by omitting from subsection four the words "Marlborough High School" in each place where they occur, and substituting in each case the words "Marlborough College".

(3) Where in any Act or document there is a reference to— 35

(a) The Marlborough High School Act 1899, that reference shall be read as a reference to the Marlborough College Act 1899:

(b) The Marlborough High School, that reference shall be read as a reference to Marlborough College:

(c) The Board of Governors of the High School of Marlborough, that reference shall be read as a reference to the Marlborough College Board.

5
48. Board of Governors—(1) The principal Act is hereby amended by repealing sections three to twelve, and substituting the following section:

10 “3. (1) There shall be a Board of Governors of Marlborough College, which Board shall be known as the Marlborough College Board (hereinafter referred to as the Board).

“(2) The Board shall be constituted in accordance with section ninety of the Education Act 1914.

15 “(3) The Board shall be a body corporate with perpetual succession and a common seal, and shall be capable of holding real and personal property and of doing and suffering all that bodies corporate may do and suffer.”

(2) This section shall come into force on the first day of June, nineteen hundred and fifty-eight.

20 *Municipal Corporations*

49. Sections to be read with Municipal Corporations Act 1954—This section and the next succeeding section shall be read together with and deemed part of the Municipal Corporations Act 1954 (in that section referred to as the principal Act).

50. Investment of funds in local authority securities—(1) Section one hundred and thirty-three of the principal Act is hereby amended by inserting, after paragraph (d), the following paragraph:

30 “(dd) In the debentures or stock of any local authority within the meaning of the Local Authorities Loans Act 1956 that are authorised investments for the investment of trust funds under the provisions of section four of the Trustee Act 1956:

35 “Provided that the Commissioners shall not be entitled under this paragraph so to invest any money forming part of the Depreciation Fund, if at the time of the investment the total amount of the securities of such local authorities held pursuant to this paragraph or to paragraph (e) of this

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section as investments of that Fund, together with the money proposed to be then invested, exceeds half the total investments for the time being of the money in that Fund; or”.

(2) Section one hundred and forty of the principal Act is hereby amended by inserting in subsection six, after paragraph (d), the following paragraph: 5

“(dd) In the debentures or stock of any local authority within the meaning of the Local Authorities Loans Act 1956 that are authorised investments for the investment of trust funds under the provisions of section four of the Trustee Act 1956: 10

“Provided that the Council shall not be entitled under this paragraph so to invest any money forming part of the Reserve Fund, if at the time of the investment the total amount of the securities of such local authorities held pursuant to this paragraph or to paragraph (e) of this subsection as investments of that Fund, together with the money proposed to be then invested, exceeds half the total investments for the time being of the money in that Fund; or”.

National Roads

51. Sections to be read with National Roads Act 1953—This section and the next two succeeding sections shall be read together with and deemed part of the National Roads Act 1953 (in those sections referred to as the principal Act). 25

52. Amending provisions as to National Roads Board—

(1) Section three of the principal Act is hereby amended by repealing paragraphs (b) and (c), and substituting the following paragraphs: 30

“(b) The person for the time being holding the appointment in the Ministry of Works as the Director of Roading:

“(c) One member, being an officer of the Ministry of Works:”.

(2) Section three of the principal Act is hereby further amended by inserting, after subsection four, the following subsection: 35

“(4A) At a meeting of the Board held during the financial year ending with the thirty-first day of March, nineteen hundred and fifty-eight, and at the first meeting of the Board held in the financial year commencing on the first day of April, 5 nineteen hundred and fifty-eight, and in each succeeding financial year, and from time to time when any vacancy occurs in the office of Deputy Chairman, the Board shall appoint one of its members to be the Deputy Chairman. Any person appointed as the Deputy Chairman shall hold office, while he 10 continues to be a member of the Board, until the appointment of his successor, and may be reappointed.”

53. Executive of District Roads Council—(1) Section seven of the principal Act is hereby amended by repealing subsection six, and substituting the following subsection:

15 “(6) The District Council may appoint an executive body, with power to act in all things for the Council. The members of the executive body shall comprise—

“(a) The District Commissioner of Works:

20 “(b) Two members, to be appointed from the persons who are members of the Council under paragraph (b) or paragraph (c) of subsection three of this section:

“(c) One member, to be appointed from the persons who are members of the Council under paragraph (d) or paragraph (e) of subsection three of this 25 section.”

(2) Section seven of the principal Act is hereby further amended by adding to subsection nine (as substituted by section two of the National Roads Amendment Act 1956) the words “and shall be a member of the executive body of the 30 Council”.

Public Revenues

54. Sections to be read with Public Revenues Act 1953—

(1) This section and the next succeeding section shall be read together with and deemed part of the Public Revenues Act 35 1953 (in that section referred to as the principal Act).

(2) This section and the next succeeding section shall be deemed to have come into force on the nineteenth day of November, nineteen hundred and fifty-six.

55. Salary of Controller and Auditor-General—(1) Section fifteen of the principal Act (as amended by section two of the Public Revenues Amendment Act 1956) is hereby further amended by omitting the words “two thousand six hundred pounds”, and substituting the words “two thousand six hundred and forty pounds”.

(2) Section two of the Public Revenues Amendment Act 1956 is hereby repealed.

Rangitaiki Land Drainage

56. Sections to be read with Rangitaiki Land Drainage Act 1956—This section and the next succeeding section shall be read together with and deemed part of the Rangitaiki Land Drainage Act 1956 (in those sections referred to as the principal Act).

57. Rates for pumping schemes may be made on acreage basis—Section nine of the principal Act is hereby amended by adding the following subsection:

“(4) Notwithstanding anything to the contrary in the principal Act or in any other Act, any rate made and levied on lands in any subdivision in respect of any expenditure incurred in installing and operating pumping schemes, and administration and maintenance expenses, and interest in respect thereof, may be made and levied on an acreage basis.”

58. Arrears of rates to be paid to Board—Section twenty of the principal Act is hereby amended as from the commencement of that Act by repealing subsection two, and substituting the following subsection:

“(2) The repeal of any enactment by this Act shall not affect the liability of any person for the payment of any rate made and levied under any such enactment before the commencement of this Act, and all such rates shall continue to be owing and shall be deemed to be owing to the Board, which shall have the same powers in respect thereof as if those rates had been made and levied by the Board under this Act at the dates when the same were respectively made and levied.”

Rating

59. Sections to be read with Rating Act 1925—This section and the next two succeeding sections shall be read together with and deemed part of the Rating Act 1925 (in those sections referred to as the principal Act).

5 **60. Amending provisions as to postponement of rates**—Section seventy-five ^A of the principal Act (as inserted by section five of the Rating Amendment Act 1954) is hereby amended by omitting from subsection one the words “section seventy-nine”, and substituting the words “section seventy-seven”.

10 **61. Amending provisions as to sale or letting of abandoned properties**—Section eighty ^A of the principal Act (as inserted by section six of the Rating Amendment Act 1954) is hereby amended by omitting from subsection eleven the words “section eighty”, and substituting the words “section seventy-nine”.

Rehabilitation

62. Sections to be read with Rehabilitation Act 1941—This section and the next succeeding section shall be read together with and deemed part of the Rehabilitation Act 1941.

15 **63. Extending duration of powers to assist servicemen’s widows**—(1) Section four of the Rehabilitation Amendment Act 1947 (as amended by the Rehabilitation Amendment Act 1955) is hereby further amended by omitting the words
20 “thirty-first day of March, nineteen hundred and fifty-eight”, and substituting the words “thirty-first day of March, nineteen hundred and sixty”.

(2) The Rehabilitation Amendment Act 1955 is hereby consequentially repealed.

Reserves and Domains

25 **64. Sections to be read with Reserves and Domains Act 1953**—This section and the next succeeding section shall be read together with and deemed part of the Reserves and Domains Act 1953 (in that section referred to as the principal Act).

30 **65. Contracts by members with administering body**—Section eighty-two of the principal Act is hereby amended as from the commencement of that Act by omitting from subsection one the words “twenty-five pounds”, and substituting the words “one hundred pounds”.

Royal New Zealand Institute of Horticulture

35 **66. Sections to be read with Royal New Zealand Institute of Horticulture Act 1953**—This section and the next succeeding
40 ing section shall be read together with and deemed part of the Royal New Zealand Institute of Horticulture Act 1953 (in that section referred to as the principal Act).

67. Certificates and diplomas in beekeeping—(1) Section three of the principal Act is hereby amended—

(a) By inserting in paragraph (a), after the words “and subjects having relation thereto”, the words “and in beekeeping”:

(b) By inserting in paragraph (b), after the words “and branches thereof”, the words “and in beekeeping”.

(2) Section four of the principal Act is hereby amended by inserting in subsection two, after the words “instruction in practical horticulture”, the words “or in practical beekeeping”.

(3) Section six of the principal Act is hereby amended by inserting in subsection one, after the words “or any branch thereof”, the words “or beekeeping”.

Sharebrokers

68. Sections to be read with Sharebrokers Act 1908—This section and the next succeeding section shall be read together with and deemed part of the Sharebrokers Act 1908 (in that section referred to as the principal Act).

69. Amending provisions as to sharebrokers’ licences—

(1) Section four of the principal Act is hereby amended by repealing subsection one, and substituting the following subsections:

“(1) Every person who desires to obtain a sharebroker’s licence shall make application for the licence to the Magistrate’s Court nearest by the most convenient route to the place named in the application as the place of business or principal place of business of the applicant.

“(1A) Every such application for a licence shall be heard by a Magistrate exercising jurisdiction in the Court in which the application is filed; and the Magistrate, if satisfied that the applicant is a fit person to be the holder of a sharebroker’s licence, shall, on payment of a fee of five pounds, grant to the applicant a sharebroker’s licence.”

(2) The principal Act is hereby amended as follows:

(a) By repealing the definition of the term “Minister” in section two (as substituted by subsection one of section two of the Sharebrokers Amendment Act 1952):

(b) By inserting in subsection two of section four, after the words “year to year”, the words “by the Registrar of the Court in which the licence was granted”:

- (c) By omitting from section five (as amended by subsection two of section two of the Sharebrokers Amendment Act 1952) the word "Secretary" wherever it appears, and substituting in each case the words "Registrar of the Court in which the licence was granted":
- (d) By omitting from subsection two of section five the words "be registered, and shall thereupon":
- (e) By omitting from section six the words "the Minister" where they first occur, and substituting the words "a Magistrate exercising jurisdiction in the Magistrate's Court in which the licence was granted":
- (f) By omitting from section six the words "the Minister" where they secondly occur, and substituting the words "the Magistrate".
- (3) The following enactments are hereby repealed, namely:
- (a) Paragraph (a) of subsection one of section fifty-two of the Finance Act 1930:
- (b) Section eight of the principal Act.
- (4) Every licence issued under the principal Act by the Secretary which is subsisting at the commencement of this section shall continue in force as if it had been granted by a Magistrate exercising jurisdiction in the Magistrate's Court nearest to the place of business or principal place of business of the holder of the licence.

Soil Conservation and Rivers Control

70. Sections to be read with Soil Conservation and Rivers Control Act 1941—This section and the next succeeding section shall be read together with and deemed part of the Soil Conservation and Rivers Control Act 1941 (in that section referred to as the principal Act).

71. Investment of funds in local authority securities—Section one hundred and twenty of the principal Act is hereby amended by inserting in subsection three, after paragraph (c), the following paragraph:

"(cc) In the debentures or stock of any local authority within the meaning of the Local Authorities Loans Act 1956 that are authorised investments for the investment of trust funds under the provisions of section four of the Trustee Act 1956:

“Provided that the Board shall not be entitled under this paragraph so to invest any money forming part of any particular fund of the Board, if at the time of the investment the total amount of the securities of such local authorities held pursuant to this paragraph or to paragraph (d) of this subsection as investments of that fund, together with the money proposed to be then invested, exceeds half the total investments for the time being of the money in that fund; or”.

Tenancy

72. Sections to be read with Tenancy Act 1955—This section and the next succeeding section shall be read together with and deemed part of the Tenancy Act 1955 (in that section referred to as the principal Act).

73. Premises comprised in Glasgow leases deemed to be properties—(1) Section two of the principal Act is hereby amended by adding the following subsection:

“(8) Where any premises have been let, whether before or after the passing of this Act, under a lease with a right of renewal for one or more terms at a rent to be determined by valuation of the land comprised in the premises (exclusive of the buildings and of some or all of the other improvements on the land), the premises shall for the purposes of this Act be deemed in relation to that letting to be and to have been throughout the term of the lease and of any renewal a property and not a dwellinghouse.”

(2) Nothing in this section shall affect the rights of the parties under any judgment given in any Court before the passing of this Act, or under any judgment given on appeal from any such judgment, whether the appeal is commenced before or after the passing of this Act.

Trustee Savings Banks

74. Sections to be read with Trustee Savings Banks Act 1948—This section and the next two succeeding sections shall be read together with and deemed part of the Trustee Savings Banks Act 1948 (in those sections referred to as the principal Act).

75. Investment of money in local authority securities—
Section twenty-four of the principal Act is hereby amended as follows:

- 5 (a) By adding to paragraph (c) of subsection one the words “that are authorised investments for the investment of trust funds under the provisions of section four of the Trustee Act 1956”:
- (b) By repealing subsection six.

76. Investment accounts—(1) The principal Act is hereby
10 amended by inserting, after section thirty-six A (as inserted by section three of the Trustee Savings Banks Amendment Act 1956), the following section:

15 “36B. (1) The Board may receive investments by way of deposits in investment accounts, lodged on the condition that they shall not be withdrawn within such period as may be agreed upon between the Board and the depositor, being not less than one year.

20 “(2) The whole or any portion of any sum deposited in an investment account under this section may, in accordance with regulations under this Act, be withdrawn at any time before the expiration of the period for which the sum was so deposited:

25 “Provided that the rate of interest, if any, payable in respect of money withdrawn as aforesaid shall be such rate as is fixed from time to time by Order in Council under section twenty-three of this Act, but in no case shall the rate of interest exceed the rate payable in respect of ordinary deposits at the time when the withdrawal is made.

30 “(3) Nothing in subsections five and six of section twenty-two of this Act shall apply with respect to money deposited in an investment account.”

(2) Section twenty-two of the principal Act is hereby amended by inserting in subsection two, after the words “any depositor”, the words “(not being money deposited in a home
35 lay-by account or in an investment account)”.

(3) Section twenty-two of the principal Act is hereby further amended by inserting, after subsection two, the following subsection:

40 “(2A) No interest shall be payable on any amount standing to the credit of any depositor in any one or more investment accounts in excess of a total of one thousand pounds, or such smaller amount as may for the time being be prescribed by the rules of the bank.”

(4) Section twenty-four of the principal Act is hereby amended by inserting in subsection four, after the words “deposited in the bank”, the words “(not being money deposited in investment accounts)”.

(5) Section twenty-four of the principal Act is hereby further amended by inserting, after subsection four, the following subsection: 5

“(4A) A savings bank shall not invest any money deposited in the bank in investment accounts otherwise than in New Zealand Government securities.” 10

Tuberculosis

77. Sections to be read with Tuberculosis Act 1948—This section and the next succeeding section shall be read together with and deemed part of the Tuberculosis Act 1948 (in that section referred to as the principal Act). 15

78. Application of provisions of Health Act 1956—Section nineteen of the principal Act is hereby amended by omitting from subsection two the words “sections eighty-eight to ninety, ninety-three, and ninety-four of the Health Act 1920”, and substituting the words “sections eighty-two, eighty-three, eighty-six, and eighty-seven of the Health Act 1956”. 20

Water Supply

79. Sections to be read with Water Supply Act 1908—This section and the next succeeding section shall be read together with and deemed part of the Water Supply Act 1908 (in that section referred to as the principal Act). 25

80. Proof of water races—Section thirty-one of the principal Act is hereby amended by adding the following subsection:

“(5) In any proceedings for an offence against this Act or any bylaws under this Act commenced by or under the authority of the Council or by any officer of the Council— 30

“(a) It shall not be necessary for any map referred to in this section to be produced or proved, and the Court may decide, on such evidence as it thinks fit, that any water race or portion of a water race is a water race within the meaning of this Act; 35

5 “(b) If the Court is satisfied that any water race or portion of a water race is or has been or is capable of being supplied with water from any source constructed by or under the control of the Council or is in fact part of a system of water races, the Court may decide that the water race or portion thereof is a water race within the meaning of this Act and is vested in the Corporation of the county as if it were shown on a map referred to in this section; and

10 “(c) It shall not be necessary to prove that any such water race or portion of water race was constructed by or under the authority of the Council, nor, if any such water race or portion of water race is constructed in, upon, or through any private land, that it was so constructed with the permission of the owner of the land.”

Wool Labelling

81. Sections to be read with Wool Labelling Act 1949—

20 This section and the next succeeding section shall be read together with and deemed part of the Wool Labelling Act 1949 (in that section referred to as the principal Act).

82. Labelling of pile fabrics and floor coverings—(1) The principal Act is hereby amended by inserting in section two, after the definition of the term “container”, the following definition:

30 “‘Floor covering’ means any product or portion of a product which is capable of use as a covering for a floor or any portion thereof; but does not include a pile fabric:”.

(2) Section two of the principal Act is hereby further amended by repealing paragraph (c) of the definition of the term “wool product”.

(3) Section three of the principal Act is hereby amended—

35 (a) By inserting, before the words “the percentage by weight of wool in the product” where they first appear in subsection one and also where they appear

in subsection two and in subsection three, the words “in the case of any pile fabric or floor covering (the pile or other surface yarn of which contains wool) the percentage by weight of wool in the pile or other surface yarn, and in the case of any other wool product”:

- (b) By omitting from the proviso to subsection one the words “by weight of wool in the product”, and substituting the words “to be shown as aforesaid”.

SCHEDULES

FIRST SCHEDULE

Section 5 (2)

AMENDMENTS TO ALIENS ACT 1948

Section of Act	Amendment
Section 2	By adding the following definition: “Registrar-General” means the Registrar-General under the Births and Deaths Registration Act 1951:”.
Section 7	By omitting from subsection (1) the words “a constable at the police station”, and substituting the words “the Registrar of the Magistrate’s Court”. By omitting from subsection (1) the words “constable authorised”, and substituting the words “officer authorised by the Registrar”. By omitting from subsection (2) the word “constable” wherever it occurs, and substituting in each case the word “Registrar”. By omitting from subsection (3) the word “constable”, and substituting the word “Registrar”.
Section 8	By omitting the word “constable”, and substituting the word “Registrar”.
Section 9	By omitting from subsection (1) the words “Commissioner of Police”, and substituting the word “Registrar-General”.
Section 10	By omitting from subsection (3) and also from subsections (4), (6), and (7) the words “Commissioner of Police”, and substituting in each case the word “Registrar-General”.
Section 11	By omitting from subsection (1) and also from subsections (2) and (3) the words “a constable at the police station”, and substituting in each case the words “the Registrar of the Magistrate’s Court”.
Section 12	By inserting in subsection (1), after the words “to do so”, the words “by the Registrar of the Magistrate’s Court nearest to his place of abode or”. By inserting in subsection (2), after the words “to do so”, the words “by the Registrar of the Magistrate’s Court nearest to his place of abode or”.
Section 13	By omitting from subsection (4) the words “a constable at a police station”, and substituting the words “the Registrar of the Magistrate’s Court”. By omitting from subsection (5) the words “a constable authorised”, and substituting the words “the Registrar of the Magistrate’s Court nearest to the place of abode of the person to whom the document was issued or other officer authorised by the Registrar”.

Section 42 (3)SECOND SCHEDULE

ENACTMENTS REPEALED

- 1908, No. 165—The River Boards Act 1908: Section 54. (1931 Reprint, Vol. IV, p. 527.)
- 1914, No. 32—The Local Railways Act 1914: Paragraph (i) of subsection (1) of section 16 and section 24. (1931 Reprint, Vol. VII, pp. 941, 944.)
- 1921, No. 17 (Local)—The Auckland Electric Power Board Act 1921: Paragraph (i) of subsection (1) of section 12 and section 20.
- 1924, No. 10 (Local)—The Auckland Electric Power Board Amendment Act 1924: Subsection (3) of section 3.
- 1925, No. 38—The Electric Power Boards Act 1925: Paragraph (i) of subsection (1) of section 22 and section 31. (1931 Reprint, Vol. III, pp. 18, 21.)
- 1928, No. 44—The Auckland Transport Board Act 1928: Paragraph (i) of subsection (1) of section 11 and section 24.
- 1935, No. 12 (Local)—The Napier Airport Act 1935: Subclause (10) of clause 15 of the Second Schedule.
- 1937, No. 6 (Local)—The New Plymouth Airport Act 1937: Section 18.
- 1937, No. 10 (Local)—The Whangarei Airport Act 1937: Subsection (11) of section 22.
- 1939, No. 12 (Local)—The Waikato Airport Act 1939: Subsection (11) of section 22.
- 1941, No. 12—The Soil Conservation and Rivers Control Act 1941: Paragraph (h) of subsection (1) of section 55 and section 63.
- 1944, No. 30—The Milk Act 1944: Paragraph (f) of subsection (1) of section 22 and section 29.
- 1944, No. 7 (Local)—The Hawke's Bay Crematorium Act 1944: Section 16.
- 1944, No. 8 (Local)—The Auckland Metropolitan Drainage Act 1944: Section 19.
- 1946, No. 2—The Nassella Tussock Act 1946: Section 28.
- 1948, No. 11 (Local)—The Hutt Valley Drainage Act 1948: Section 19.
- 1950, No. 34—The Harbours Act 1950: Subsection (5) of section 39.
- 1950, No. 5 (Local)—The Masterton Trust Lands Act 1950: Section 33.
- 1951, No. 19 (Local)—The North Shore Drainage Act 1951: Section 18.
- 1954, No. 76—The Municipal Corporations Act 1954: Section 71.
- 1954, No. 16 (Local)—The North Shore Drainage Amendment Act 1954: Section 9.
- 1956, No. 64—The Counties Act 1956: Section 81.
- 1956, No. 5 (Local)—The Greytown Trust Lands Act 1956: Section 32.