

STATUTES AMENDMENT BILL

EXPLANATORY NOTE

Carriage by Air

Clause 3: Section 2 (2) of the Carriage by Air Act 1940 provides that an Order in Council made under the Carriage by Air Act 1932 (U.K.) shall be conclusive evidence of the matters certified in the Order. This clause repeals that subsection and replaces it with the same provision as that contained in the U.K. legislation except that the Order in Council will be made by the Governor-General under the New Zealand legislation.

Chattels Transfer

Clause 5 provides that, where a memorandum of satisfaction of an instrument by way of security is executed by a corporation under seal, the affixing of the seal shall be sufficient proof to the Registrar that it was affixed under proper authority and that the memorandum is binding on the corporation whose seal it bears. At present the execution of every memorandum of satisfaction must be verified by the affidavit of a witness, irrespective of the manner in which it was executed.

Civil Aviation

Clause 7: This clause authorises the Minister in Charge of Civil Aviation to appoint Commissions of Inquiry for the purpose of making inquiries in respect of the administration of civil aviation.

Clerks of Works

Clause 9 substitutes the Commissioner of Works for the Engineer-in-Chief of the Ministry of Works as a member of the Clerks of Works Registration Board.

Dogs Registration

Clause 11 provides that any local authority that undertakes in its district both dogs registration under the Dogs Registration Act 1955 and hydatids control under the Hydatids Act 1959 may, instead of prescribing separate registration fees and hydatid-control fees, prescribe a combined fee of a maximum amount not exceeding the total of the maximum of the separate fees.

Where a combined fee is prescribed, a dog will not be deemed to be registered until the combined fee has been paid.

The local authority will have a discretion to pay into its Hydatid Control Account all combined fees received or to apportion them between that account and its ordinary general account, but the amount paid into the Hydatid Control Account must not be less than the amount that would have been paid into that account if separate fees had been prescribed.

Clause 12 authorises any local authority to delegate to any other local authority or to an approved organisation under the Hydatids Act 1959 its functions, powers, and duties under the Dogs Registration Act 1955. In such a case the local authority or approved organisation to which the delegation has been made will become responsible for the registration of dogs in the district of the local authority making the delegation, and will be entitled to retain all registration fees collected.

Electricity

Clause 14: This clause increases the proportion of gross annual income which may be levied on supply authorities for the purpose of providing funds for rural reticulation.

Fire Services

Clause 16: Section 24 of the Fire Services Act 1949 provides for elections of members of Urban Fire Authorities to be held in the February following each general local body election. Section 27 (2) of that Act provides that a member of an Urban Fire Authority who is elected by a local authority shall vacate his office as a member of the Urban Fire Authority three months after he ceases to be a member of the local authority. The period of three months was fixed on the basis that elections of members of local authorities would be held in November. Now that the date of these elections is being changed to October the period specified in section 27 (2) needs to be changed to four months. The clause provides accordingly.

Clause 17 amends section 77 (3) of the Fire Services Act 1949 so as to increase to £20 the reward which may be offered for information leading to conviction for giving a false alarm of fire.

Gaming

Clause 19: By section 42A of the Gaming Act 1908 approval may be given to the conduct of small raffles by certain organisations, but there is no power to exclude any particular kind of articles or to impose any conditions or restrictions when granting such an approval.

This clause provides that such an approval will not authorise the disposal by raffle or chance of any article or class of article specified in any notice by the Minister of Internal Affairs under section 42 (5) of the Act (which provides that the Minister may specify any article or class of articles in respect of which lottery permits may not be granted), and also provides that an approval may be granted subject to conditions or restrictions. There will be a right of appeal to the Minister against any conditions or restrictions attached to any approval.

Clause 20 provides that the Totalisator Agency Board may invest its funds in such manner and on such securities as the Board determines.

Guardianship of Infants

Clause 22 provides that any order for the guardianship or custody of an infant made in the Supreme Court may be filed in the Magistrate's Court. It can then be enforced as if it had been made by a Magistrate.

Hospitals

Clause 24 provides for the use of cheque-writing machines by Hospital Boards.

Clause 25 provides that the annual accounts of Hospital Boards are to be prepared on the basis of receipts and payments. They are at present prepared on the basis of income and expenditure.

Immigration Restriction

Clause 27: The effect of this clause is that all persons entering New Zealand, except New Zealand citizens and other persons mentioned in section 13 of the Immigration Restriction Act 1908, must hold an entry permit.

Industrial Conciliation and Arbitration

Clause 29 increases the salaries of the Judge of the Court of Arbitration and of the present holder of the office of additional Judge from £4,000 to £4,250.

Clause 30: Section 152 of the Industrial Conciliation and Arbitration Act 1954 provides that an expired award is to operate until a new award is made or an industrial agreement comes into force, except where the registration of a union of workers bound by the award has been cancelled. Doubts have recently arisen as to the effect of this section on the cancellation of the registration of a union bound by the award and covering part only of the locality covered by a multi-district award or of a union that has become a subsequent party under section 154. It is now considered likely that the cancellation of the registration has the effect of cancelling the award in respect of the other unions also at the expiration of the currency of the award and of cancelling awards obtained by other unions.

This clause re-enacts that section in an amended form, and provides that an award does not run on beyond the date of the expiration of its currency if no union or association of workers which was an original party is then bound by the award, or beyond any later date on which no such union is bound by the award. As this has always in the past been accepted in practice as the effect of the existing section 152, the amendment is retrospective to the date of the commencement of the principal Act.

Land

Clause 32: Section 31 (3) of the Land Act 1948 provides that there must each year be paid out of the Land Settlement Account into the Consolidated Fund interest on so much of the capital of the Land Settlement Account as is specified in paragraph (c) of subsection (1) of that section. This clause provides that no interest will be payable on so much of that capital as consists of non-revenue producing assets, as determined by the Minister of Finance.

Clause 33 abolishes the requirement that the consent of the Land Settlement Board must be obtained to a mortgage of a lease or licence of Crown land.

Land Valuation Court

Clause 35 increases from £4,000 a year to £4,250 a year the salary of the present Judge of the Land Valuation Court. The increase is to operate from 1 April 1961, and the salary at that rate is personal to the present holder of the office.

Life Insurance

Clause 37: By section 43 of the Life Insurance Act 1908 an assignment of a policy of life insurance is invalid unless it is registered in the office of the company in accordance with that section. In the case of companies that do not have an office in New Zealand, an assignment must be sent to another country for registration, but in some cases the companies concerned do not have a system of registration corresponding to that provided in the Act, and an assignment cannot be registered and therefore cannot be validated. This clause provides that where the company does not have an office in New Zealand an assignment of a policy does not require registration.

Clause 38: Section 44 of the Act requires a mortgage of a policy to be registered and section 50 requires a discharge of such a mortgage to be registered also. For the same reasons as are mentioned in the note concerning *clause 37*, this clause provides that in the case of a policy issued by a company that does not have an office in New Zealand registration of a mortgage or discharge is also unnecessary.

Manapouri - Te Anau Development

Clause 40 amends the definition of the term "the Company" in the Manapouri - Te Anau Development Act 1960 so as to include the permitted assigns of the Consolidated Zinc Proprietary Limited as well as that Company.

Married Women's Property

Clause 42: Section 19 of the Married Women's Property Act 1952 enables questions between husband and wife as to the title to or possession of property to be decided in a summary way. Under that section the Court must have a proper regard to legal principles, but may disregard legal niceties, in determining questions of title to property. In dealing with questions of possession or occupation as distinct from questions of title, the Court has a discretion to make an order otherwise than in accordance with the rights of the parties at law or in equity.

However, the Court has no jurisdiction under that section after the death of the husband, but it still has jurisdiction after the death of the wife if the husband is still living.

This clause provides that the Court will have jurisdiction even though the husband or the wife or both of them are dead.

Mortgagors and Lessees Rehabilitation

Clause 44: Part II of the Mortgagors and Lessees Rehabilitation Act 1936 provides for the establishment of a Court of Review. This Court consists of a Judge and two other members. It has not, however, been possible to make substantive applications to the Court for many years and there has been no Judge of the Court for more than 10 years.

The Court still has a very limited jurisdiction in certain cases. This clause abolishes the Court and vests its remaining powers in the Supreme Court.

Otago Boys' and Girls' High Schools

Clause 46 reconstitutes the Board of Governors of the Otago Boys' and Girls' High Schools. The reconstitution is to take effect on 1 June 1965.

Clause 47 provides for the elected or appointed members of the said Board of Governors to hold office for a term of three years. Those of the said members who are in office on 1 February 1962 are to continue in office until 31 May 1965. Elections and appointments, other than appointments by the Dunedin City Council, are to be made in the manner prescribed by the scheme for the control of the schools.

Physiotherapy

Clause 49 substitutes a new definition of "physiotherapy" in the principal Act. This definition now includes the use of remedial exercises and massage for the purpose of alleviating any obstetrical condition or promoting health and well-being during pregnancy or the puerperium.

Post Office

Clause 51: The Post Office Appeal Board consists of four members of whom one represents the Postal Branch and one the Telegraph Branch. Each of these members sits on appeals by officers of the branch the member represents. The proposed amendment will permit a member to sit on any appeal, irrespective of the branch to which the appellant belongs, in the event of the incapacity of the other.

Poultry Runs Registration

Clause 53: This clause provides that the term of office of members of the Poultry Board is to be three years instead of two years. This extended term does not, however, apply to those members of the Board who are in office at the date of this amendment.

Property Law

Clause 55 provides that a Magistrate's Court shall have jurisdiction to entertain an application for the division of chattels under section 143 of the Property Law Act 1952 where the value of the chattels concerned does not exceed £2,000. The present limit is £1,000. This clause and the following clause are consequential on the passing of the Magistrates' Courts Amendment Act 1961.

Clause 56: Section 152 of the Property Law Act 1952 deals with the service of notices under that Act. That section provides, among other things, that a Magistrate's Court may give directions as to service in any case where the notice relates to any sum of money, being a sum not exceeding £2,000, due or alleged to be due to any person, or required or proposed to be paid to any person. This clause extends the jurisdiction of that Court to cases in which the notice relates to a sum not exceeding £5,000.

Royal New Zealand Air Force

Clause 58 inserts in the principal Act a definition of the term "warrant officer", and makes it clear that the term includes the rank of master aircrew. The clause amends the definition of the term "non-commissioned officer" so as to exclude a warrant officer, and makes other consequential amendments.

Clause 59 amends section 78 of the principal Act, which defines the power of a commanding officer to punish a non-commissioned officer for any offence. The clause adds a provision that the commanding officer may inflict the punishment of severe reprimand, the accused having no right to elect trial by Court Martial unless the punishment involves an automatic forfeiture of pay.

The clause also replaces the existing provisions that a commanding officer may also inflict on a non-commissioned officer any of the punishments set out in section 78 (2), namely, a fine not exceeding £1, a severe reprimand or a reprimand, or admonition. The effect of the new provisions is that the additional punishments that may be inflicted by a commanding officer are to be such as are authorised by Air Board Orders.

Sale of Goods

Clause 61 provides that the law relating to market overt shall not apply in New Zealand. Section 24 of the Sale of Goods Act 1908 at present provides that where goods are sold in market overt, according to the usage of the market, the buyer acquires a good title to the goods, provided he buys them in good faith and without notice of any defect or want of title on the part of the seller. This is an exception to the general rule that the buyer of goods does not acquire any better title than that of the seller.

The section goes on to say that it is not to be construed as creating a market overt in New Zealand. This leaves the law uncertain but the general opinion has been that there is no market overt in New Zealand and the section has had no actual application in New Zealand. It was originally an adaptation of section 22 of the Sale of Goods Act 1893 (U.K.).

Scientific and Industrial Research

Clause 63: Under section 17 of the Act levies may be imposed to produce finance for wheat research. The amount of these levies may not exceed—

- (a) In the case of a producer of wheat, fourpence for every 50 bushels of wheat delivered by him to a flourmiller or grain merchant:
- (b) In the case of a flourmiller, fourpence for every ton of flour or wheatmeal delivered from the flourmill:
- (c) In the case of a person taking delivery of flour or wheatmeal from a flourmill, fourpence for every ton of that flour or wheatmeal.

This clause increases the figure of fourpence to a figure of sixpence in each case.

Shipping and Seamen

Clause 65: Section 7 (1) of the Shipping and Seamen Amendment Act 1959 included provisions abolishing the certificate of competency as master of river steamer, and section 7 (2) of that Act abolished the certificates of competency as river engineer and marine-engine driver. It has been decided to retain those certificates, and the effect of this clause is to retain them retrospectively to the date of the commencement of the 1959 Amendment.

Clause 66: The effect of this clause is to enable rules to be made for the safety of fishing boats irrespective of length, including rules as to manning. The existing power under section 243 of the principal Act to make such rules is, in the case of fishing boats, limited to boats not exceeding 60 feet register length, but the existing manning scale for fishing boats exceeding that length contemplates that in some cases the scale will be fixed by rules under section 243. This amendment gives the necessary power to make such rules.

Soil Conservation and Rivers Control

Clause 68: Subclause (1) enables the local authorities in a catchment area to agree as to the apportionment among them of the administrative rate payable each year, even though some of them may become liable to pay more than the maximum for which they would otherwise be liable under the principal Act. This provision has been requested by the Soil Conservation and Rivers Control Council for use particularly by the local authorities in the proposed Eastern and Western Bay of Plenty Catchment Areas.

Subclause (2) enables a local authority which is directed by a catchment board to levy a rate to do so without complying with the formalities required by the Rating Act 1925, thereby avoiding duplication of advertising and of passing resolutions.

Clause 69: Section 30 of the Soil Conservation and Rivers Control Act 1941 provides that the Soil Conservation and Rivers Control Council may make grants or loans for certain purposes connected with that Act. Sub-section (2A) of the section makes it one of the conditions of a grant or loan to the owner or occupier of any land that he shall repay the grant or loan if, without written approval of the Council, he sells or leases or otherwise disposes of the land within a period, being not less than five years, specified by the Council. The clause removes this condition, which has been found to be unduly restrictive and to tend to impede the promotion of soil conservation.

State Supply of Electrical Energy

Clause 71: This clause prescribes certain purposes for which money may be paid out of the Electric Supply Account. These include the payment of expenses incurred by the Electricity Department in the administration of certain Acts and the payment of money towards the promotion of safety, efficiency, and economy in the use or application of electrical energy.

Stock Remedies

Clause 73: It has been discovered that certain ingredients in stock remedies leave harmful residues in the meat or other produce derived from stock treated with the stock remedy. This clause permits the refusal of registration of stock remedies containing any such ingredient and also provides for the revocation of the registration of any such stock remedy already registered.

Tourist Hotel Corporation

Clause 75 increases the number of directors of the Tourist Hotel Corporation from five to seven. The two additional directors are to be appointed by the Governor-General on the recommendation of the Minister.

Transport

Clause 77: The effect of this clause is to provide the same rebate in respect of motor spirits used in launches (other than commercial fishing boats) as in the case of motor spirits used by farmers and industrial users. Persons using motor spirits for that purpose will as a result be entitled to a rebate of 1s. 1d. a gallon under the amendment to section 62 of the Transport Act 1949 and a further rebate of 2d. a gallon under the amendment to section 62A of that Act. The amount of the rebate in other cases will remain the same.

Clause 78 provides for the appointment of a Deputy of the Transport Licensing Appeal Authority or of the Transport Charges Appeal Authority, to act when the Licensing Appeal Authority or Charges Appeal Authority is for any cause incapable of acting or where he considers it not proper or desirable that he should adjudicate on any particular appeal pending before him.

Trustee Savings Banks

Clause 80 enables trustee savings banks to introduce the beneficiary nomination scheme for depositors in the same manner as in the case of the Post Office Savings Bank.

Clause 81 changes the name of the Invercargill Savings Bank, which will in future be known as the Southland Savings Bank.

Visiting Forces

Clause 83: Section 2 of the Visiting Forces Act 1939 defines the expression "part of the Commonwealth" by listing those countries which are members of the Commonwealth. In order to avoid the necessity of making an amendment to the Act on each occasion a change in the membership occurs, power is given to prescribe the list of member countries by Order in Council.

Waikato Valley Authority

Clause 85 amends section 9 of the Waikato Valley Authority Act 1956 so as to provide that the Council of any borough or town district may by special order resolve that any rates that may be levied in that borough or town district under the principal Act on a graduated scale according to a classification of lands shall instead be levied on a uniform basis; and the Waikato Valley Authority may thereupon direct the Council to make and levy every such rate on a uniform scale, and every such rate shall then be made and levied by the Council accordingly.

Clause 86 empowers the Minister to make grants or loans to any body or person in accordance with section 30 (1) of the Soil Conservation and Rivers Control Act 1941.

Hon. Mr Hanan

STATUTES AMENDMENT

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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:

1. **Short Title**—This Act may be cited as the Statutes Amendment Act 1961.

Carriage by Air

2. **Sections to be read with Carriage by Air Act 1940**—
 10 This section and the next succeeding section shall be read together with and deemed part of the Carriage by Air Act 1940 (in that section referred to as the principal Act).

3. **Parties to Convention**—Section 2 of the principal Act is hereby amended by repealing subsection (2), and substituting
 15 the following subsection:

20 “(2) The Governor-General may by Order in Council from time to time certify who are the High Contracting Parties to the Convention, in respect of what territories they are respectively parties, and to what extent they have availed themselves of the provisions of the Additional Protocol to the Convention, and any such order shall, except in so far as it has been superseded by a subsequent order, be conclusive evidence of the matters so certified.”

Chattels Transfer

25 4. **Section to be read with Chattels Transfer Act 1924**—
 This section and the next succeeding section shall be read together with and deemed part of the Chattels Transfer Act 1924 (in that section referred to as the principal Act).

30 5. **Execution of memorandum of satisfaction by Corporation**—Section 42 of the principal Act is hereby amended by adding to subsection (2) the following proviso:

“Provided that, where the grantee is a corporation and it executes the memorandum by affixing thereto its common seal or its official seal for use in New Zealand, the affixing of the seal to the memorandum shall be sufficient proof to the Registrar that the same was affixed under proper authority, and that the memorandum is binding on the corporation whose seal it bears, and it shall not be necessary for the signature of a witness attesting the execution of the memorandum to be verified by affidavit.” 5

Civil Aviation 10

6. Sections to be read with Civil Aviation Act 1948—This section and the next succeeding section shall be read together with and deemed part of the Civil Aviation Act 1948* (in that section referred to as the principal Act).

7. Inquiries for purposes of civil aviation administration— 15
The principal Act is hereby amended by inserting, after section 3B (as inserted by section 4 of the Civil Aviation Amendment Act 1960), the following section:

“3C. (1) The Minister may from time to time make, or appoint any other person or persons to make, such inquiries as he thinks necessary or expedient for the purpose of securing the improvement, development, and better regulation and administration of civil aviation and all matters incidental thereto. 20

“(2) For the purposes of this section the provisions of the Commissions of Inquiry Act 1908 shall, as far as they are applicable and with the necessary modifications, apply as if the Minister and every person appointed by him under this section were a Commission of Inquiry appointed under that Act. 25 30

“(3) No person shall be deemed to be employed in the service of Her Majesty for the purposes of the Public Service Act 1912 or of the Superannuation Act 1956 by reason of his having been appointed to make inquiries under subsection (1) of this section.” 35

Clerks of Works

8. Sections to be read with Clerks of Works Act 1944— This section and the next succeeding section shall be read together with and deemed part of the Clerks of Works Act 1944 (in that section referred to as the principal Act). 40

*1957 Reprint, Vol. 2, p. 107
Amendments: 1958, No. 57; 1960, No. 45

9. Constitution of Clerks of Works Registration Board—
Section 3 of the principal Act is hereby amended by repealing paragraph (a) of subsection (2), and substituting the following paragraph:

5 “(a) The Commissioner of Works; and”.

Dogs Registration

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

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11. Combined fee for dog registration and hydatid control—The principal Act is hereby amended by inserting, after section 9, the following section:

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“9A. (1) Notwithstanding anything in this Act or in the Hydatids Act 1959, any local authority that is for the time being performing or exercising in its district the functions, powers, and duties conferred or imposed by this Act as to the registration of dogs and the functions, powers, and duties conferred or imposed by the Hydatids Act 1959 for the control, prevention, and eradication of hydatids may from time to time, by resolution publicly notified in some newspaper circulating in its district, prescribe combined registration and hydatid-control fees to be paid in respect of dogs required to be registered in its district under this Act, not exceeding the total of the maximum registration fees that may be prescribed under this Act and the maximum hydatid-control fees that may be prescribed under the Hydatids Act 1959.

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“(2) Where a local authority prescribes combined registration and hydatid-control fees under this section, no dog in respect of which any such fee is payable shall be deemed to be registered for the purposes of this Act until the appropriate combined fee has been paid to the local authority.

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“(3) All combined registration and hydatid-control fees received by a local authority shall be paid into its Hydatid Control Account under the Hydatids Act 1959 and used for the purposes specified in that Act:

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“Provided that the local authority may apportion those fees between its Hydatid Control Account and its ordinary general account, but so that the amount paid into its Hydatid Control Account shall not be less than the amount that would have been paid into that account if the local authority had prescribed separate hydatid-control fees instead of combined fees.”

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12. Local authority may delegate powers to another local authority or to an approved organisation under Hydatids Act 1959—The principal Act is hereby further amended by inserting, after section 36, the following section:

“36A. (1) Any local authority may from time to time, by agreement with any other local authority or with any approved organisation under the Hydatids Act 1959, delegate to that other local authority or to that approved organisation the functions, powers, and duties conferred or imposed on the first-mentioned local authority by this Act, except the powers conferred by section 30 of this Act.

“(2) Any local authority or approved organisation to which any functions, powers, and duties have been delegated under this section shall have and may exercise and perform those functions, powers, and duties in the district of the local authority making the delegation, as if—

“(a) In the case of a delegation to a local authority, the term ‘district’, in relation to that local authority, included the district of the local authority making the delegation:

“(b) In the case of a delegation to an approved organisation,—

“(i) Every reference in this Act to a local authority were a reference to the approved organisation:

“(ii) Every reference in this Act to the district of a local authority were a reference to the area under the jurisdiction of the organisation:

“(iii) Every reference in this Act to the ordinary general fund of a local authority were a reference to the Hydatid Control Account of the approved organisation.”

Electricity

13. Sections to be read with Electricity Act 1945—This section and the next succeeding section shall be read together with and deemed part of the Electricity Act 1945* (in that section referred to as the principal Act).

14. Increase in levy for rural reticulation—Subsection (2) of section 16 of the principal Act is hereby amended by omitting the words “one four-hundredth part”, and substituting the words “one two-hundredth part”.

*1957 Reprint, Vol. 4, p. 573
Amendment: 1958, No. 31

Fire Services

15. 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).

16. Casual vacancies on Urban Fire Authorities—Subsection (2) of section 27 of the principal Act is hereby amended by omitting the words “three months”, and substituting the words “four months”.

10 17. False alarm of fire—Section 77 of the principal Act is hereby amended by omitting from subsection (3) the word “five”, and substituting the word “twenty”.

Gaming

18. Sections to be read with Gaming Act 1908—This section and the next two succeeding sections shall be read together with and deemed part of the Gaming Act 1908† (in section 19 referred to as the principal Act).

19. Exemption of small raffles conducted by approved organisations—(1) Section 42A of the principal Act (as enacted by section 17 of the Gaming Amendment Act 1949) is hereby amended by inserting in subsection (1), after paragraph (a), the following paragraph:

25 “(aa) Any conditions and restrictions subject to which the organisation has been approved are complied with; and”

(2) Section 42A of the principal Act (as so enacted) is hereby further amended by adding to subsection (1) the following proviso:

30 “Provided that nothing in this subsection shall authorise the disposal by raffle or chance of any article or class of article specified in any notice under subsection (5) of section 42 of this Act that is for the time being in force.”

(3) Section 42A of the principal Act (as so enacted) is hereby further amended—

35 (a) By inserting in subsection (2), after the words “in writing”, the words “and subject to such conditions and restrictions as the person granting the approval may impose”:

*1957 Reprint, Vol. 5, p. 179
Amendments: 1958, No. 67; 1959, No. 28
†1957 Reprint, Vol. 5, p. 505
Amendments: 1959, No. 65; 1960, No. 63

- (b) By inserting in subsection (3), after the words "is revoked", the words "or where any approval is granted subject to conditions or restrictions":
- (c) By inserting in subsection (3), after the words "or revocation", the words "or imposition of conditions or restrictions". 5

20. Investment of funds of Totalisator Agency Board—
The Gaming Amendment Act 1949 is hereby amended by inserting, after section 6, the following section:

"6A. The Board may invest any money forming part of the funds of the Board that in the opinion of the Board is for the time being not required for the purposes of any approved scheme in such manner and on such securities as the Board from time to time determines." 10

Guardianship of Infants 15

21. Sections to be read with Guardianship of Infants Act 1926—This section and the next succeeding section shall be read together with and deemed part of the Guardianship of Infants Act 1926* (in that section referred to as the principal Act). 20

22. Filing in Magistrate's Court of Supreme Court orders for guardianship or custody—Section 6A of the principal Act (as inserted by subsection (1) of section 20 of the Statutes Amendment Act 1949) is hereby amended by adding the following subsections: 25

"(4) Any Magistrate may issue a warrant under subsection (2) of this section notwithstanding that the order in respect of which it is issued was made in the Supreme Court in any case where the order has been filed in a Magistrate's Court in accordance with the provisions of subsections (5) and (6) of this section. 30

"(5) Any party to any proceedings in the Supreme Court in which an order for the guardianship or custody of an infant has been made, whether that order was made before or after the commencement of this subsection, may make application to the Registrar of the Supreme Court at the place where the order was made to have a copy of the order filed in a Magistrate's Court, and shall forward with the application a copy of the order and of any order varying or otherwise affecting it and the fees prescribed under the Code of Civil Procedure for sealing copies of orders. The Registrar 35 40

shall thereupon transmit to the Registrar of the Magistrate's Court specified in the application a copy under the seal of the Supreme Court of the order and of every order varying or otherwise affecting it, and shall also note on the original order a memorial to the effect that the copy has been so transmitted.

“(6) The Registrar of the Magistrate's Court shall file the copy of any order transmitted to him under subsection (5) of this section. Thereafter a copy under the seal of the Court of every order of the Supreme Court varying or otherwise affecting any such order shall be forwarded by the Registrar of that Court to the Registrar of the Magistrate's Court in which the earlier order is filed.

“(7) Nothing in subsections (4) to (6) of this section shall take away or affect any jurisdiction of the Supreme Court.”

Hospitals

23. Sections to be read with Hospitals Act 1957—This section and the next two succeeding sections shall be read together with and deemed part of the Hospitals Act 1957 (in those sections referred to as the principal Act).

24. Cheque-writing machines—Section 91 of the principal Act is hereby amended by adding, as subsection (2), the following subsection:

“(2) Notwithstanding anything in subsection (1) of this section, it shall be lawful for any Board, with the prior consent in writing of the Audit Office and subject to such conditions as the Audit Office prescribes, to pay any money by cheque issued by means of a cheque-writing machine, and every cheque issued by means of such a machine and bearing a facsimile of the signatures of the persons authorised pursuant to the provisions of this section to sign and countersign cheques shall be deemed to have been duly signed and countersigned in accordance with the provisions of this section.”

25. Accounts kept by Board—(1) Section 98 of the principal Act is hereby amended by omitting from subsection (1) the words “of its income and expenditure, and”.

(2) Section 99 of the principal Act is hereby amended by repealing paragraphs (a) to (d) of subsection (1), and substituting the following paragraphs:

“(a) Of all money received and paid during the financial year:

“(b) Of the assets and liabilities of the Board at the end of the financial year:

“(c) Of the financial aspects of such of the activities of the Board as the Minister may from time to time determine.”

Immigration Restriction

26. Sections to be read with Immigration Restriction Act 1908— (1) This section and the next succeeding section shall be read together with and deemed part of the Immigration Restriction Act 1908.* 5

(2) This section and the next succeeding section shall come into force on the first day of January, nineteen hundred and sixty-two. 10

27. Permits to enter New Zealand—The Immigration Restriction Amendment Act 1920 is hereby amended—

- (a) By omitting from subsection (1) of section 5 the words “a person of British birth and parentage”, and substituting the words “a New Zealand citizen”: 15
- (b) By repealing subsection (2) of section 5:
- (c) By repealing section 6.

Industrial Conciliation and Arbitration

28. Sections to be read with Industrial Conciliation and Arbitration Act 1954—This section and the next two succeeding sections shall be read together with and deemed part of the Industrial Conciliation and Arbitration Act 1954† (in those sections referred to as the principal Act). 20

29. Salaries of Judge and additional Judge of Court— (1) Section 19 of the principal Act (as amended by subsection (1) of section 3 of the Industrial Conciliation and Arbitration Amendment Act 1960) is hereby further amended by omitting from subsection (1) the words “four thousand pounds”, and substituting the words “four thousand two hundred and fifty pounds”. 25 30

(2) Section 20 of the principal Act (as amended by subsection (2) of section 3 of the Industrial Conciliation and Arbitration Amendment Act 1960) is hereby further amended by omitting from the second proviso to subsection (3) the words “four thousand pounds”, and substituting the words “four thousand two hundred and fifty pounds”. 35

*1957 Reprint, Vol. 6, p. 279

Amendments: 1958, No. 69; 1959, No. 12; 1960, No. 66

†1957 Reprint, Vol. 6, p. 443

Amendments: 1958, No. 70; 1960, No. 110; 1961, No. 00

(3) Section 3 of the Industrial Conciliation and Arbitration Amendment Act 1960 is hereby amended—

(a) By repealing subsection (1) :

(b) By repealing paragraph (b) of subsection (2).

5 (4) This section shall be deemed to have come into force on the first day of April, nineteen hundred and sixty-one.

30. Award to operate until new award or agreement in force—The principal Act is hereby further amended as from its commencement by repealing section 152, and substituting
10 the following section:

“152. Notwithstanding the expiration of the currency of an award, the award shall continue in force until a new award is made or an industrial agreement duly entered into has come into force:

15 “Provided that, if at the expiration of the currency of an award or at any later date no industrial union or association of workers which was an original party thereto is then bound by the award, the award shall not continue in force beyond the date of that expiration or that later date, as the case may
20 be.”

Land

31. Sections to be read with Land Act 1948—This section and the next two succeeding sections shall be read together with and deemed part of the Land 1948* (in those sections
25 referred to as the principal Act).

32. Interest on capital of Land Settlement Account—Section 31 of the principal Act is hereby amended by adding to subsection (3) the following proviso:

30 “Provided that no interest shall be payable under this subsection on such part of that capital as consists of non-revenue producing assets, as determined from time to time by the Minister of Finance.”

33. Board to consent to dealings with leases or licences—

35 (1) Section 89 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) A lessee or licensee, or the sublessee of any lease or licence, shall not transfer, sublease, or otherwise dispose of his interest, or any part thereof, in the land subject to the

*1957 Reprint, Vol. 7, p. 1

Amendments: 1958, No. 72; 1959, No. 70; 1960, No. 68

lease or licence without the consent of the Board. Notwithstanding the provisions of any lease or licence, the consent of the Board shall not be required to a mortgage of any interest therein."

(2) The principal Act is hereby further amended— 5

(a) By omitting from subsection (1) of section 50c (as inserted by section 3 of the Land Amendment Act 1953) the words "Notwithstanding anything in section eighty-nine of this Act, the consent of the Board shall not be required to any mortgage given by a member to the association under the provisions of this section": 10

(b) By omitting from subsection (2) of section 83 the word "mortgage" where it first occurs:

(c) By omitting from the same subsection (as amended by subsection (2) of section 11 of the Land Amendment Act 1950) the words "every variation of mortgage that does not require the consent of the Board under that section", and substituting the words "every mortgage or variation of mortgage of any such lease or licence, whether or not to the Crown or to any Department of State": 15 20

(d) By omitting from subsection (3) of section 89 and also from subsection (5) of that section the word "mortgage" wherever it occurs. 25

(3) The following enactments are hereby repealed:

(a) Section 11 of the Land Amendment Act 1950:

(b) Section 7 of the Land Amendment Act 1956.

Land Valuation Court

34. Sections to be read with Land Valuation Court Act 1948—(1) This section and the next succeeding section shall be read together with and deemed part of the Land Valuation Court Act 1948* (in that section referred to as the principal Act). 30

(2) This section and the next succeeding section shall be deemed to have come into force on the first day of April, nineteen hundred and sixty-one. 35

35. Salary and allowances of Judge of Land Valuation Court—(1) Section 6 of the principal Act is hereby amended by repealing subsection (1) (as substituted by section 2 of the Land Valuation Court Amendment Act 1960), and substituting the following subsection: 40

*1957 Reprint, Vol. 7, p. 727
Amendment: 1960, No. 113

“(1) There shall be paid to the Judge of the Court out of the Consolidated Fund, without further appropriation than this section, a salary at the rate of three thousand five hundred pounds a year, together with such travelling allowances as shall be fixed from time to time by Order in Council:

“Provided that, while the person holding office as the Judge of the Court on the first day of April, nineteen hundred and sixty-one, continues to hold that office his salary shall be at the rate of four thousand two hundred and fifty pounds a year.”

(2) The Land Valuation Court Amendment Act 1960 is hereby repealed.

Life Insurance

36. Sections to be read with Life Insurance Act 1908—

This section and the next two succeeding sections shall be read together with and deemed part of the Life Insurance Act 1908* (in those sections referred to as the principal Act).

37. Transfer of policy in company with no office in New Zealand—Section 43 of the principal Act is hereby amended

by adding the following subsection:

“(6) An assignment of a policy issued by a company that is established out of New Zealand and does not have a place of business in New Zealand need not be registered, but shall take effect from the date thereof in the same manner as if it were registered.”

38. Mortgage or discharge of mortgage of policy in company with no office in New Zealand—(1) Section 44 of the principal Act is hereby amended by inserting in subsection

(4), after the words “the policy”, the words “and a mortgage of a policy issued by a company that is established out of New Zealand and does not have a place of business in New Zealand”.

(2) Section 50 of the principal Act is hereby amended by adding the following subsection:

“(3) A memorandum of discharge of a mortgage of a policy issued by a company that is established out of New Zealand and does not have a place of business in New Zealand need not be registered, but shall take effect from the date thereof in the same manner as if it were registered.”

*1957 Reprint, Vol. 8, p. 333
Amendment: 1958, No. 77

Manapouri - Te Anau Development

39. Sections to be read with Manapouri - Te Anau Development Act 1960—This section and the next succeeding section shall be read together with and deemed part of the Manapouri - Te Anau Development Act 1960* (in that section referred to as the principal Act). 5

40. Interpretation—Section 2 of the principal Act is hereby amended by adding to the definition of the term “the Company” the words “and includes its permitted assigns”.

Married Women's Property

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41. Sections to be read with Married Women's Property Act 1952—This section and the next succeeding section shall be read together with and deemed part of the Married Women's Property Act 1952 (in that section referred to as the principal Act). 15

42. Disputes between husband and wife as to property to be decided in a summary way—Section 19 of the principal Act is hereby amended by adding the following subsection:

“(4) For the purposes of this section the words ‘husband’ and ‘wife’ include the legal personal representatives of the husband or wife.” 20

Mortgagors and Lessees Rehabilitation

43. Sections to be read with Mortgagors and Lessees Rehabilitation Act 1936—This section and the next succeeding section shall be read together with and deemed part of the Mortgagors and Lessees Rehabilitation Act 1936† (in that section referred to as the principal Act). 25

44. Supreme Court to exercise powers of Court of Review—The Court of Review is hereby abolished, and any jurisdiction and powers which that Court had or could exercise immediately before the passing of this Act are hereby vested in the Supreme Court, and the principal Act shall with the necessary modifications be construed accordingly. 30

*1960, No. 20

†1936, No. 33

Otago Boys' and Girls' High Schools

45. **Sections to be read with the Otago Boys' and Girls' High Schools Act 1877**—This section and the next two succeeding sections shall be read together with and deemed part
5 of the Otago Boys' and Girls' High Schools Act 1877* (in those sections referred to as the principal Act).

46. **Constitution of Board of Governors**—(1) The principal Act is hereby amended by repealing section 3, and substituting the following section:

10 “3. The said Board shall consist of—

“(a) The Mayor for the time being of the City of Dunedin:

15 “Provided that the Mayor of Dunedin may at any time, by notice in writing to the Town Clerk, retire from membership of the Board, and the Dunedin City Council may at any time thereafter by resolution appoint one of their number to be a member of the Board to hold office until the expiry of the then current term of office of the Mayor:

20 “(b) Two members appointed by the Education Board of the District of Otago:

“(c) Two members appointed by the Council of the University of Otago:

25 “(d) One member elected by the parents of the pupils of each of the schools under the control of the Board:

“(e) Two members appointed by the Board itself.”

(2) Section 9 of the Education Law Amendment Act 1933 is hereby consequentially repealed.

30 (3) This section shall come into force on the first day of June, nineteen hundred and sixty-five.

47. **Appointment and election of members**—The principal Act is hereby further amended by inserting, after section 3, the following section:

35 “3A. (1) Subject to the provisions of this section, every appointed or elected member of the said Board, other than any member who may be appointed by the Dunedin City Council, shall hold office for a term of three years, but may from time to time be reappointed or re-elected.

“(2) Every appointed or elected member of the Board, other than any member who may be appointed by the Dunedin City Council, who is in office on the first day of February, nineteen hundred and sixty-two shall, unless he vacates his office under section 4 of this Act, remain in office until the thirty-first day of May, nineteen hundred and sixty-five, and shall then go out of office. 5

“(3) Every member of the Board as it is to be constituted on and after the first day of June, nineteen hundred and sixty-five, other than any member who may be appointed by the Dunedin City Council, shall be appointed and elected in the manner for the time being prescribed by the scheme for the control of the schools under the control of the Board approved by the Minister under section 92 of the Education Act 1914.” 10 15

Physiotherapy

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

49. Definition of “physiotherapy”—Section 2 of the principal Act is hereby amended by repealing the definition of the term “physiotherapy” in subsection (1), and substituting the following definition:

“‘Physiotherapy’ means— 25

“(a) The use by instruction or application to the human body of remedial exercises; or

“(b) The use by external application to the human body of massage, being the manipulation of the soft tissues of the body, passive movements, electricity, heat, light, water, or other physical agents; or 30

“(c) The use of any other method of treatment for the time being declared by the Governor-General in Council to be an approved method of performing physiotherapy— 35

5 for the purpose of curing or alleviating any
 abnormal condition of the body, or of alleviating
 any obstetrical condition, or of promoting health
 and well-being during pregnancy or the puerperium;
 10 but does not include the internal use of any drug
 or medicine or the application of any medical or
 surgical appliance except so far as the application
 of that appliance is necessary in the use of massage,
 passive movements, remedial exercises, or any such
 physical agent or other approved method as
 aforesaid:".

Post Office

15 **50. Sections to be read with Post Office Act 1959**—This
 section and the next succeeding section shall be read together
 with and deemed part of the Post Office Act 1959* (in that
 section referred to as the principal Act).

51. Appeal Board—Subsection (2) of section 194 of the
 principal Act is hereby amended by adding the following
 proviso:

20 "Provided that in the event of the incapacity of either of
 the aforesaid appointed officers by reason of illness or absence
 or from other cause the other appointed officer may act as a
 member of the Appeal Board notwithstanding that the
 appellant is not an officer of the same branch as that other
 25 appointed officer."

Poultry Runs Registration

30 **52. Sections to be read with Poultry Runs Registration Act
 1933**—This section and the next succeeding section shall be
 read together with and deemed part of the Poultry Runs
 Registration Act 1933 (in that section referred to as the
 principal Act).

53. Term of office of members of Poultry Board—(1) Sec-
 tion 3 of the principal Act is hereby amended by omitting
 from subsection (4) the words "two years", and substituting
 35 the words "three years".

*1959, No. 30
 Amendment: 1960, No. 106

(2) Notwithstanding the provisions of subsection (1) of this section, the term of office of every member of the Board in office immediately before the commencement of this section shall expire on the date on which, but for the passing of this section, his term would have expired under the provisions of the principal Act. 5

Property Law

54. Sections to be read with Property Law Act 1952— This section and the next two succeeding sections shall be read together with and deemed part of the Property Law Act 1952* (in those sections referred to as the principal Act). 10

55. Division of chattels—Section 143 of the principal Act is hereby amended by omitting from subsection (2) the words “one thousand pounds”, and substituting the words “two thousand pounds”. 15

56. Service of notices—Section 152 of the principal Act is hereby amended by omitting from paragraph (a) of subsection (6) the words “two thousand pounds”, and substituting the words “five thousand pounds”.

Royal New Zealand Air Force 20

57. Sections to be read with Royal New Zealand Air Force Act 1950—This section and the next two succeeding sections shall be read together with and deemed part of the Royal New Zealand Air Force Act 1950† (in those sections referred to as the principal Act). 25

58. Warrant officers—(1) Section 2 of the principal Act is hereby amended by adding the following definition:

“‘Warrant officer’ means an airman of the rank of warrant officer or master aircrew; and ‘warrant rank’ has a corresponding meaning.” 30

(2) Section 2 of the principal Act is hereby further amended by repealing the definition of the term “non-commissioned officer”, and substituting the following definition:

“‘Non-commissioned officer’ means an airman of the rank of flight-sergeant, sergeant, or corporal:” 35

(3) The enactments specified in the Schedule to this Act are hereby amended in the manner indicated in that Schedule.

*1957 Reprint, Vol. 12, p. 133

Amendment: 1959, No. 31

†1957 Reprint, Vol. 13, p. 455

Amendments: 1959, No. 27; 1960, No. 88

(4) Every reference to a non-commissioned officer of the Air Force in any other Act or in any rule, regulation, order, instrument, or document whatsoever shall, unless the context otherwise requires, be deemed to include a reference to a
5 warrant officer of the Air Force.

59. Punishments for non-commissioned officers—(1) Section 78 of the principal Act is hereby amended by repealing subsections (1) and (2), and substituting the following subsections:

10 “(1) A commanding officer may (but subject to the right of the non-commissioned officer to elect, before the award, to be tried by Court Martial) inflict on a non-commissioned officer the following punishments:

15 “(a) A fine exceeding one pound but not exceeding five pounds:

“(b) Stoppages from pay in accordance with regulations under this Act.

20 “(2) A commanding officer may award a non-commissioned officer a severe reprimand, the non-commissioned officer having no right to elect to be tried by Court Martial unless the punishment involves a forfeiture of pay.

25 “(2A) A commanding officer may, in addition to or without any other punishment inflicted under this section, inflict on a non-commissioned officer any minor punishment for the time being authorised by Air Board Orders.”

(2) Section 11 of the Royal New Zealand Air Force Amendment Act 1954 is hereby consequentially amended by repealing paragraph (a).

Sale of Goods

30 **60. Section to be read with Sale of Goods Act 1908**—This section and the next succeeding section shall be read together with and deemed part of the Sale of Goods Act 1908 (in that section referred to as the principal Act).

35 **61. Market overt**—The principal Act is hereby amended by repealing section 24, and substituting the following section:
“24. The law relating to market overt shall not apply in New Zealand.”

Scientific and Industrial Research

62. Sections to be read with Scientific and Industrial Research Act 1952—This section and the next succeeding section shall be read together with and deemed part of the Scientific and Industrial Research Act 1952* (in that section referred to as the principal Act). 5

63. Levies payable in respect of wheat research—(1) Section 17 of the principal Act (as amended by section 12 of the Finance Act (No. 2) 1953) is hereby amended by omitting from subsection (4) the word “fourpence” wherever it occurs, and substituting in each case the word “sixpence”. 10

(2) Section 12 of the Finance Act (No. 2) 1953 is hereby consequentially repealed.

Shipping and Seamen

64. Sections to be read with Shipping and Seamen Act 1952—This section and the next two succeeding sections shall be read together with and deemed part of the Shipping and Seamen Act 1952† (in those sections referred to as the principal Act). 15

65. Certificates of competency—(1) Section 7 of the Shipping and Seamen Amendment Act 1959 is hereby amended as from the commencement of that Act by repealing subsections (1) and (2), and substituting the following subsection: 20

“(1) Section 19 of the principal Act is hereby amended by repealing paragraphs (e) to (j) of subsection (1), and substituting the following paragraphs: 25

“(e) Mate of home-trade ship:

“(f) Master of small home-trade ship:

“(g) Master of foreign-going fishing boat: 30

“(h) Skipper of home-trade fishing boat:

“(i) Master of river ship:

“(j) Master of restricted-limit launch:.”

(2) Subsection (1) of section 7 of the Shipping and Seamen Amendment Act 1959 (as substituted by subsection (1) of this section) shall be deemed to have come into force on the first day of May, nineteen hundred and sixty-one. 35

*1957 Reprint, Vol. 13, p. 699

Amendment: 1958, No. 92

†1957 Reprint, Vol. 14, p. 1

Amendment: 1959, No. 102

56. **Manning of fishing boats**—Section 243 of the principal Act (as substituted by subsection (1) of section 47 of the Shipping and Seamen Amendment Act 1959) is hereby amended by repealing paragraph (a) of subsection (4), and substituting the following paragraphs:

“(a) Fishing boats:

“(aa) Other ships to which section 246 of this Act applies:”.

Soil Conservation and Rivers Control

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

68. **Rating**—(1) Section 23B of the principal Act (as inserted by section 7 of the Soil Conservation and Rivers Control Amendment Act 1959) is hereby amended by adding the following additional proviso:

“Provided also that, where all the local authorities in a catchment area agree to apportion among themselves and to pay to the Council by way of annual amounts sufficient in the opinion of the Council to provide for the efficient administration of the area but not exceeding the amount that would have been provided by the levying of an administrative rate of the maximum amount authorised by this Act, the Council may accept from the local authorities such annual amounts as may be due pursuant to the aforesaid agreement, notwithstanding that the amount payable by any local authority in any one year exceeds the sum that would have become due and payable to the Council by the levying in its district of the maximum administrative rate authorised by this Act.”

(2) Section 96 of the principal Act is hereby amended by adding to subsection (2) the words “Notwithstanding the provisions of any other Act, the local authority shall not be required to advertise its intention of making the rate or to pass any resolution or make any order in respect of the making thereof.”

*1957 Reprint, Vol. 14, p. 637

Amendments: 1958, No. 93; 1959, No. 48; 1960, No. 89

69. Grants or loans—Subsection (2A) of section 30 of the principal Act (as enacted by section 9 of the Soil Conservation and Rivers Control Amendment Act 1959) is hereby amended by omitting the words “or if, without written approval of the Council, he sells or leases or otherwise disposes of the land within a period, being not less than five years, specified by the Council”.

State Supply of Electrical Energy

70. Sections to be read with State Supply of Electrical Energy Act 1917—This section and the next succeeding section shall be read together with and deemed part of the State Supply of Electrical Energy Act 1917* (in that section referred to as the principal Act).

71. Money payable out of Electric Supply Account—(1) Subsection (1) of section 9 of the principal Act (as amended by paragraph (a) of section 8 of the Finance Act 1921–22) is hereby further amended by adding the following paragraphs:

“(b) All charges and expenses incurred by the New Zealand Electricity Department in connection with the administration of those Acts which, under section 3 of the Electricity Act 1945, that Department administers and in carrying out any other function lawfully conferred on that Department by any such Act or otherwise:

“(c) All other money payable out of the Electric Supply Account pursuant to this Act or any other Act.”

(2) Section 9 of the principal Act is hereby amended by repealing subsection (4), and substituting the following subsection:

“(4) There shall be payable from the Electric Supply Account out of money appropriated by Parliament for the purpose such sums as the Minister from time to time considers necessary for the purpose of promoting or maintaining safety, efficiency, and economy in the use or application of electrical energy, including contributions to organisations or bodies having as their object or one of their objects the promotion or maintenance of safety, efficiency, or economy in the use or application of electrical energy.”

*1957 Reprint, Vol. 15, p. 85
Amendments: 1958, Nos. 24, 31; 1959, No. 15; 1960, No. 16

Stock Remedies

72. Sections to be read with Stock Remedies Act 1934—

This section and the next succeeding section shall be read together with and deemed part of the Stock Remedies Act 1934* (in that section referred to as the principal Act).

73. Refusal and revocation of registration of stock remedy—

(1) Subsection (7) of section 6 of the principal Act (as substituted by section 3 of the Stock Remedies Amendment Act 1946 and amended by subsection (1) of section 3 of the Stock Remedies Amendment Act 1960) is hereby further amended by repealing paragraph (aa), and substituting the following paragraph:

“(aa) Contains any ingredient in a form or quantity which, in the opinion of the Board, will have a detrimental effect on meat, dairy produce, or other produce intended for human consumption and derived from stock treated with the stock remedy or will prejudice the sale of any such meat or produce in New Zealand or elsewhere:”.

(2) Subsection (8) of section 6 of the principal Act (as added by section 3 of the Stock Remedies Amendment Act 1960) is hereby amended by repealing paragraph (b), and substituting the following paragraph:

“(b) Contains any ingredient in a form or quantity which will have a detrimental effect on meat, dairy produce, or other produce intended for human consumption and derived from stock treated with the stock remedy or will prejudice the sale of any such meat or produce in New Zealand or elsewhere;”.

(3) Subsection (1) of section 3 of the Stock Remedies Amendment Act 1960 is hereby repealed.

Tourist Hotel Corporation

74. Sections to be read with Tourist Hotel Corporation Act 1955—

This section and the next succeeding section shall be read together with and deemed part of the Tourist Hotel Corporation Act 1955 (in that section referred to as the principal Act).

75. Number of directors—(1) Section 3 of the principal Act is hereby amended—

(a) By omitting from subsection (2) the word “five”, and substituting the word “seven”:

*1957 Reprint, Vol. 15, p. 279
Amendment: 1960, No. 28

(b) By omitting from paragraph (b) of subsection (2) the word "four", and substituting the word "six".

(2) Section 5 of the principal Act is hereby amended by omitting from subsection (5) the word "five", and substituting the word "seven".

5

Transport

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

10

77. Refund of duty on motor spirits—(1) Section 62 of the principal Act is hereby amended by repealing subsection (3), and substituting the following subsection:

"(3) The refunds authorised by this section shall be computed as follows:

15

"(a) In respect of any such motor spirits used as fuel for any vessel engaged exclusively in the fishing industry for commercial purposes, or as fuel for any aircraft, a refund at the rate of one shilling and threepence a gallon shall be made:

20

"(b) In respect of any such motor spirits used in any other case to which this section applies, a refund at the rate of one shilling and one penny a gallon shall be made."

(2) Section 62A of the principal Act (as inserted by subsection (1) of section 3 of the Transport Amendment Act 1958) is hereby amended by repealing subsection (1), and substituting the following subsection:

25

"(1) Subject to the provisions of sections 63 and 63A of this Act, this section applies to motor spirits used for any purpose, otherwise than as fuel for—

30

"(a) Any motor vehicle (not being a passenger-service vehicle) for which an annual licence fee is payable under section 20 of this Act; or

"(b) Any motor vehicle that may be used with dealers' plates in accordance with subsection (6) of section 28 of this Act:

35

"Provided that the Governor-General may from time to time, by Order in Council, declare that this section shall apply to motor spirits used as fuel for any specified kind of motor vehicle for which an annual licence fee is payable under section 20 of this Act."

40

*1957 Reprint, Vol. 16, p. 1

Amendments: 1958, No. 34; 1958, No. 53; 1959, No. 105; 1960, No. 92

(3) Section 11 of the Finance Act (No. 2) 1953 is hereby consequentially repealed.

(4) Notwithstanding anything in subsection (1) or subsection (2) of this section, the provisions of subsection (3) of section 62 and subsection (1) of section 62A of the principal Act shall continue to apply with respect to all motor spirits purchased by the consumer before the commencement of this section as if this section had not been passed.

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

78. Deputy of Licensing Appeal Authority or Charges Appeal Authority—The principal Act is hereby further amended by inserting, after section 136, the following section:

“136A. (1) Where the Licensing Appeal Authority or the Charges Appeal Authority becomes for any cause incapable of acting, or where he considers it not proper or desirable that he should adjudicate on any appeal pending before him, the Governor-General may appoint a suitable person to be the Deputy Transport Licensing Appeal Authority or the Deputy Transport Charges Appeal Authority, as the case may be.

“(2) The person so appointed shall, subject to any conditions or limitations and for the period of his appointment, have all the powers, duties, and functions of the Licensing Appeal Authority or of the Charges Appeal Authority, as the case may be.

“(3) The fact that any person is acting as the Deputy Transport Licensing Appeal Authority or Deputy Transport Charges Appeal Authority shall be conclusive evidence of his authority so to do, and no person shall be concerned to inquire whether the occasion for his appointment had arisen or ceased.

“(4) No person shall be appointed the Deputy Transport Licensing Appeal Authority or Deputy Transport Charges Appeal Authority unless he is eligible for appointment as Licensing Appeal Authority or Charges Appeal Authority, as the case may be.”

Trustee Savings Banks

79. 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).

*1957 Reprint, Vol. 16, p. 239
Amendment: 1958, No. 97

80. Payment of deposits to nominated beneficiaries—The principal Act is hereby amended by inserting, after section 19, the following section:

“19A. (1) Any depositor in a savings bank who is over the age of twenty-one years may nominate any person or persons to whom any amount standing to the credit of the depositor in any account in the savings bank at the time of his death is to be paid on his death. 5

“(2) Any such nomination may at any time be revoked, varied, or replaced. 10

“(3) Any such nomination shall have the same effect as if it were a disposition of the amount to which it refers by a duly executed will of the depositor:

“Provided that the savings bank may pay any amount in accordance with any such nomination without the production of any probate or letters of administration. 15

“(4) The making, revocation, variation, or replacement of any nomination under this section and the payment of any amount pursuant to any such nomination shall be in accordance with regulations made under this Act.” 20

81. Change of name of Invercargill Savings Bank—(1) The Invercargill Savings Bank shall hereafter be called the Southland Savings Bank.

(2) The Southland Savings Bank is hereby declared for all purposes to be the same savings bank as the Invercargill Savings Bank existing immediately before the passing of this Act. 25

(3) All references to the Invercargill Savings Bank in any Act, Proclamation, regulation, rule, bylaw, order, or other enactment, or in any contract, agreement, deed, instrument, title, register, or other document whatsoever shall hereafter be read as references to the Southland Savings Bank. 30

(4) Where the title of the Invercargill Savings Bank to any real or personal property or right is or should have been entered in any register required by law to be kept, the Registrar or other person whose duty it is to keep that register shall, on the request in writing of the Southland Savings Bank, without payment of any fee, make such entries in the register as may be necessary to give effect to the provisions of this section. 35 40

(5) Section 5 of the principal Act is hereby amended by omitting from subsection (1) the words “Invercargill Savings Bank”, and substituting the words “Southland Savings Bank”.

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

Visiting Forces

82. Sections to be read with Visiting Forces Act 1939—

5 (1) This section and the next succeeding section shall be read together with and deemed part of the Visiting Forces Act 1939 (in that section referred to as the principal Act).

(2) This section and the next succeeding section shall come into force on the first day of January, nineteen hundred and
10 sixty-two.

83. Interpretation—(1) Section 2 of the principal Act (as amended by section 2 of the Visiting Forces Amendment Act 1957) is hereby further amended by omitting the definition of the expression “part of the Commonwealth”, and substituting the following definition:

15 “Part of the Commonwealth’ means any country which the Governor-General by Order in Council made under this Act and for the time being in force declares to be part of the Commonwealth for the
20 purposes of this Act; and includes any country declared as aforesaid to be part of the Commonwealth as if it were a member of the Commonwealth.”

(2) Subsection (1) of section 2 of the Visiting Forces
25 Amendment Act 1957 is hereby repealed.

Waikato Valley Authority

84. Sections to be read with Waikato Valley Authority Act 1956—This section and the next two succeeding sections shall be read together with and deemed part of the Waikato Valley
30 Authority Act 1956* (in those sections referred to as the principal Act).

85. Rating on a uniform scale—Section 9 of the principal Act (as amended by section 2 of the Waikato Valley Authority Amendment Act 1960) is hereby further amended by adding
35 the following subsection:

“(5) Notwithstanding anything to the contrary in subsection (2) of this section and in section 101 of the Soil Conservation and Rivers Control Act 1941, the Council of any borough or town district may at any time by special order resolve that any
40 rate which may be made and levied in that borough or town

*1956, No. 104
Amendment: 1960, No. 95

district under this Act on a graduated scale according to a classification of lands shall instead be made and levied on a uniform scale; and the Authority may thereupon direct the Council to make and levy every such rate on a uniform scale, and every such rate shall then be made and levied by the Council accordingly.” 5

86. Grants and loans by Minister—The First Schedule to the principal Act is hereby amended by omitting from paragraph (a) the words “and paragraphs (a) to (d) of section 30 (1)”. 10

SCHEDULE

Section 58 (3)

ENACTMENTS AMENDED

Title of Act	Amendment
1950, No. 39— The New Zealand Army Act 1950 (1957 Re- print, Vol. 11, p. 1)	<p>By inserting in subsection (1) of section 134, before the words “non-commissioned officer” wherever they occur, the words “warrant officer”.</p> <p>By inserting in subsection (1) of section 147, before the words “or non-commissioned officer” where they first occur, the words “or a warrant officer”.</p> <p>By omitting from subsection (1) of section 147 the words “he were a military officer or non-commissioned officer, as the case may be”, and substituting the words “in the case of an officer he were a military officer and in the case of a petty officer or warrant officer or non-commissioned officer he were a military non-commissioned officer”.</p> <p>By inserting in subsection (3) of section 147, before the words “and non-commissioned officers”, the words “warrant officers”.</p> <p>By omitting from subsection (3) of section 147 the words “they were military officers or non-commissioned officers”, and substituting the words “in the case of officers they were military officers and in the case of warrant officers or non-commissioned officers they were military non-commissioned officers”.</p> <p>By inserting in subsection (4) of section 147, after the words “petty officers”, the words “warrant officers”.</p>
1950, No. 40— The Royal New Zealand Air Force Act 1950 (1957 Reprint, Vol. 13, p. 55)	<p>By inserting in the definition of the term “airman” in section 2, after the word “includes”, the words “a warrant officer and”.</p> <p>By inserting in the definition of the term “superior officer” in section 2, after the word “includes”, the words “a warrant officer and”.</p> <p>By inserting in paragraph (b) of section 42, after the word “officer” wherever it occurs, the words “warrant officer”.</p> <p>By inserting in section 56, after the words “Every officer”, the words “or warrant officer”.</p> <p>By inserting in paragraph (e) of subsection (2) of section 64 and also in paragraphs (f) and (g) of the same subsection, before the words “a non-commissioned officer”, the words “a warrant officer or”.</p> <p>By inserting in subsection (11) of section 64 and also in subsection (12), after the words “an officer”, the words “or a warrant officer”.</p>

SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
1950, No. 40— <i>continued</i> The Royal New Zealand Air Force Act 1950 (1957 Reprint, Vol. 13, p. 455)	<p>By inserting in subsection (15) of section 64, after the words "No officer", the words "or warrant officer".</p> <p>By inserting in subsection (3) of section 65, after the words "any officer", the words "or warrant officer".</p> <p>By inserting in subsection (4) of section 65, before the words "non-commissioned officer", the words "warrant officer or".</p> <p>By inserting in subsection (6) of section 65, before the words "or non-commissioned officer" wherever they occur, the words "or warrant officer."</p> <p>By inserting in the same subsection, after the words "to the officer", the words "warrant officer".</p> <p>By omitting from section 131 the words "other non-commissioned officers", and substituting the words "non-commissioned officers".</p> <p>By inserting in section 141, before the words "non-commissioned officer" wherever they occur, the words "warrant officer or".</p> <p>By omitting from subsection (1) of section 147 the words "he were an air force officer or non-commissioned officer", and substituting the words "in the case of an officer he were an air force officer and in the case of a warrant officer or other non-commissioned officer he were an air force warrant officer or non-commissioned officer".</p> <p>By inserting in subsection (3) of section 147, before the words "and non-commissioned officers", the words "and warrant officers".</p> <p>By inserting in the same subsection, before the words "or non-commissioned officers", the words "or warrant officers".</p> <p>By inserting in subsection (4) of section 147, after the words "petty officers", the words "warrant officers".</p>

SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
1954, No. 53— The Navy Act 1954 (1957 Reprint, Vol. 10, p. 897)	<p>By inserting in section 32, before the words “non-commissioned officers” where they secondly occur, the words “warrant officers”.</p> <p>By inserting in subsection (1) of section 47, before the words “non-commissioned officer” where they secondly occur, the words “a warrant officer or”.</p> <p>By omitting from the same subsection the words “he were a naval officer or petty officer, as the case may be”, and substituting the words “in the case of an officer he were a naval officer and in the case of a warrant officer or non-commissioned officer he were a naval petty officer”.</p> <p>By inserting in subsection (2) of section 47, before the words “non-commissioned officers” where they secondly occur, the words “warrant officers and”.</p> <p>By omitting from the same subsection the words “they were naval officers or petty officers”, and substituting the words “in the case of officers they were naval officers and in the case of warrant officers and non-commissioned officers they were naval petty officers”.</p> <p>By inserting in section 48, after the words “petty officers”, the words “warrant officers”.</p>