

## STATUTES AMENDMENT BILL

### EXPLANATORY NOTE

*Clause 1* relates to the Short Title.

#### *Accident Compensation*

*Clause 3* relates to the payment of accident compensation levy by self-employed persons. A substantial saving in administrative costs can be made by combining the returns required to be made in respect of the payment of the levy with Income Tax Returns. Such a combination would, however, result in the levy being paid to the Accident Compensation Commission some months later than at present. In order to ensure a continued cash flow to the Commission, this clause enables the Commissioner of Inland Revenue to advance money to the Commission on the basis of returns made to him and assessments made by him, and then be refunded when the levy is actually paid. The clause is to come into force on 1 October 1978.

*Clause 4* amends the regulation-making powers under the Act to empower the alteration of the financial year in respect of the payment of levy so as to enable the combined Income Tax/Accident Compensation levy return proposed to be instituted.

#### *Accident Insurance Companies*

*Clause 6* inserts into the principal Act provisions at present forming part of 2 old Finance Acts, thus enabling the immediate repeal of one (only one section of which still has any effect) and the later repeal of the other.

#### *Agricultural and Pastoral Societies*

*Clause 8* allows an Agricultural and Pastoral Society to apply the proceeds of the sale of land (being land originally granted to the Society by the Crown) for such purposes as the Minister of Agriculture may approve and subject to such conditions as he may impose.

#### *Agricultural Pests Destruction*

*Clause 10* amends section 71 of the principal Act to increase the maximum general rate that may be levied by a Pest Destruction Board from 37 cents per hectare to 60 cents per hectare, where the rate is based on the rateable value or area of the land.

#### *Animals*

*Clause 12* inserts in the principal Act a new section 26A that empowers the making of regulations governing animal embryos.

No. 141—1

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### *Apprentices*

*Clause 14* empowers the Commissioner of Apprenticeship and District Commissioners of Apprenticeship to delegate to officers and employees of the Department of Labour any of their powers under the principal Act.

*Clause 15* transfers from the Industrial Court to local committees or, where there are no local committees, to District Commissioners the power in certain circumstances to give retrospective consent to apprenticeship agreements entered into without their prior consent.

### *Auctioneers*

*Clause 17* makes provision for the voluntary surrender of an auctioneer's licence.

### *Cinematograph Films*

*Clause 19* empowers the Licensing Authority to delegate any of its powers to any of its members or officers to facilitate the performance of its functions in respect of the licensing of exhibitors and renters.

*Clause 20* broadens the circumstances in which films may be exhibited without an exhibitor's licence.

### *Civil Aviation*

*Clause 22* amends a minor drafting error in the Civil Aviation Amendment Act 1976.

*Clause 23* amends section 29 (2) of the principal Act to enable the making of regulations enabling the Secretary to control both tariffs between New Zealand and places outside New Zealand (as at present) and tariffs between places outside New Zealand in relation to air travel sold, purchased, or arranged in New Zealand.

### *Construction*

*Clause 25* repeals section 8 (2) of the principal Act, and substitutes a new subsection. The new subsection provides that an employer must notify an Inspector in advance of the commencement of construction work which is or will include notifiable work. At present an employer need not notify the Inspector until he is about to commence the notifiable work.

*Clause 26* amends section 23 of the principal Act to make it clear that a workman commits an offence against the Act if he fails to comply with any requirement of any regulation for the time being in force under the Act.

### *Co-operative Companies*

*Clause 28* substitutes a new definition of "co-operative fertiliser manufacturing company" in the principal Act. The new definition provides that a co-operative fertiliser manufacturing company is a company the *principal* object of which is the manufacture of fertilisers for the use of its shareholders. The present definition defines such a company as a company the *only* objects of which are the manufacture of fertilisers for the use of its shareholders and certain other ancillary objects.

#### *Dairy Board*

*Clause 30* relates to the power of the Dairy Board to invest money received by it as contributions to a superannuation scheme for employees of Dairy Companies. At present section 45 (8) of the principal Act allows investments authorised by section 27 of the New Zealand Superannuation Act 1974; but this Act has been repealed. The amendment will give the same investment powers as those available to authorised superannuation schemes pursuant to regulations under the Superannuation Schemes Act 1976.

#### *Dogs Registration*

*Clause 32* amends section 8 (1) (e) of the principal Act to provide that a local authority may charge a higher fee for registrations on as well as after 1 May in each year.

#### *Engineers Registration*

*Clause 34* amends section 3 (1) of the principal Act by providing that 3 of the 6 members of the Engineers Registration Board are to be appointed on the recommendation of the Council of the New Zealand Institution of Engineers (Incorporated) instead of the Council of the New Zealand Society of Civil Engineers (Incorporated).

*Clause 35* amends section 6 (1) of the principal Act by restricting the right of registration as an engineer to persons ordinarily resident in New Zealand.

#### *Friendly Societies*

*Clause 37* inserts into the principal Act a provision at present contained in the Finance Act 1929, thus enabling the later repeal of that Act, most of whose provisions are already repealed or spent. The opportunity is taken to repeal a spent provision in the principal Act.

#### *Government Superannuation Fund*

*Clause 39* provides that where any person has elected to accept a variable retiring allowance and there has been no reduction of the rate for the time being payable in respect of that allowance, that person may, if the Government Superannuation Board so permits, further elect, at any time not later than the 31st day of December 1979, to have an actuarial adjustment of that allowance so that the reduction in the rate of payment will become effective on such date as that Board may determine, being a date earlier than the date on which the person will attain the age of 65 years.

#### *Hospitals*

*Clause 41* increases the annual amounts that Hospital Boards may spend for purposes not otherwise authorised from \$1,000 to \$2,000 in the case of the Auckland, Wellington, and North Canterbury Hospital Boards, from \$700 to \$2,000 in the case of the Waikato and Otago Hospital Boards, and from \$700 to \$1,400 in all other cases.

*Industrial and Provident Societies*

*Clause 43* increases the maximum claim or interest in the shares of an industrial and provident society which may be held by a member (other than a registered society) from \$2,000 to \$4,000 or such higher amount as the Minister of Justice may specify by notice in the *Gazette* in respect of any particular society.

*Insurance Companies Deposits*

*Clause 45* amends section 19 of the principal Act relating to withdrawal of deposits from the Public Trustee.

The amendment makes it clear that where a deposit has been made with the Public Trustee by a New Zealand agent of a Commonwealth or foreign underwriter, the agent may withdraw the deposit to the extent that he is relieved from making it by virtue of the underwriter having made a deposit.

*Land Valuation Proceedings*

*Clause 47*: The Land Valuation Proceedings Amendment Act 1977 makes provision for the establishment of Land Valuation Tribunals having jurisdiction in certain land valuation matters, and transferred to such Tribunals jurisdiction in such matters formerly exercised by the Administrative Division of the Supreme Court. The Schedule to that Act consequentially amends several Acts by substituting, where necessary, references to a Land Valuation Tribunal for references to the Administrative Division of the Supreme Court, but contains no general provision amending any other Acts that might have been inadvertently omitted from the Schedule.

This clause inserts such a general provision in section 6 of that Act.

*Life Insurance*

*Clause 49* inserts in the Life Insurance Act 1908 a new section 3A, which provides that the statutory deposits made by a subsidiary company are to be deemed to have been made by its holding company or another subsidiary where the holding company or other subsidiary takes over the business.

*Local Elections and Polls*

*Clause 51* amends section 36 of the principal Act, relating to voting by blind or partially blind, disabled, or illiterate voters. The effect of the present section is as follows:

- (a) By subsection (2), at the request of a blind or partially blind voter any person nominated by him or, if no person is nominated, the Deputy Returning Officer is to assist the voter to vote.
- (b) By subsection (3), the Deputy Returning Officer is to assist any disabled or illiterate voter to vote.
- (c) By subsection (5), a poll clerk or some other person nominated by the voter must also be present when the voting paper of any blind or partially blind or disabled or illiterate voter is marked and may, if so desired by the voter (except in the case of a blind or partially blind voter) inspect the ballot paper before it is placed in the ballot box.

This clause substitutes a new subsection (3) combining the existing provisions of subsections (3) and (5), but applying them to disabled or illiterate voters only and making no other changes to the existing procedure. Voting by blind or partially blind voters will be covered by the existing subsection (2), referred to in paragraph (a) above.

### *Magistrates' Courts*

*Clause 53* allows the appointment of up to 65 Magistrates. The present limit is 60.

### *Maori Education Foundation*

*Clause 55* amends section 24 (1) (q) of the Maori Education Foundation Act 1961, which authorises the Board of Trustees of the Foundation to apply income for purposes not expressly authorised by the Act, up to a maximum in any financial year of \$200. The amendment omits that maximum, and substitutes a maximum of \$500.

### *Marginal Lands*

*Clause 57* amends section 12 of the Marginal Lands Act 1950. The effect of the amendment is to empower the Marginal Lands Board to assist persons who do not own or occupy any farm land or marginal land with the purchase of uneconomic areas of farm land. The purpose of the amendment is to assist young landless farmers to acquire such land as a first step towards eventually acquiring economic farms of their own.

### *Marine Farming*

*Clause 59*: Section 30 (2) of the Marine Farming Act 1971 provides that before commencing to erect any structure in a leased or licensed area, the lessee or licensee must deposit under section 178 of the Harbours Act 1950 at the head office of the Ministry of Transport 4 copies of a plan of the proposed structure prepared to the satisfaction of the Secretary for Transport, and section 178 will then apply. Section 31 (2) makes similar provision with respect to rafts being placed in a leased or licensed area.

This clause enables the Minister of Transport to delegate his powers under section 178 in respect of such structures or rafts to a Harbour Board, and in that case the plan is to be prepared to the satisfaction of the Board and copies are to be sent to the Board, which is to exercise the powers of the Minister of Transport under section 178.

*Clause 60*: Section 48 (1) (ja) of the Marine Farming Act 1971 authorises the making of regulations relating to the design, contribution, condition, lighting, inspection, and positioning of structures, rafts, and other equipment for marine farming, and requiring such structures, rafts, and other equipment to be approved before being used. This clause enables the regulations to prescribe fees for inspections and applications for approval under any such regulations.

### *Medical Practitioners*

*Clause 62* declares that the Medical Council of New Zealand shall have, and shall be deemed always to have had, power to borrow money for the purposes of the Council, and power, for the purpose of securing any money so borrowed, to mortgage, charge, or pledge any right, title, estate, or interest in any real or personal property vested in the Council.

*Clause 63* amends section 40 of the principal Act so as to provide that the Medical Practitioners Disciplinary Committee shall include an additional member, not being a medical practitioner and being of eminence and distinction in the community, who shall be appointed by the Minister.

#### *National Library*

*Clause 65:* Section 17 of the National Library Act 1965 provides for payment of travelling allowances and expenses to each trustee who is a member of the body known as the Trustees of the National Library. The provision is being amplified so as to extend also to members of committees appointed by the Trustees under section 14 of that Act, and so as to provide for payment of fees as well as travelling allowances and expenses.

#### *National Provident Fund*

*Clause 67* authorises the National Provident Fund Board, with the consent of the Minister of Finance, to borrow money in New Zealand or elsewhere, with or without security, and issue bonds, notes, and debentures, and mortgage or charge any of its real or personal property.

#### *New Zealand Walkways*

*Clause 69* amends the definition of private land in section 2 of the principal Act. The amendment provides that unformed legal roads (which are owned by local authorities) shall be public land for the purposes of the principal Act.

The definition of administering authority is also amended to make it clear that it includes a local authority.

*Clause 70* repeals section 20 of the principal Act and substitutes a new section which provides additional powers and procedures relating to the declaration of walkways over unformed legal roads.

#### *Pharmacy*

*Clause 72:* Section 51 (2) of the Pharmacy Act 1970 provides that a Board of Appeal constituted under that section shall consist of a barrister and 2 assessors. The amendment makes it possible to appoint either a Magistrate or a barrister as well as the assessors. It is also provided that an appeal under the section shall lapse if, before the appeal is determined, the appellant withdraws his appeal.

#### *Private Savings Banks*

*Clause 74* amends section 15 of the principal Act which provides that every savings bank company shall hold at all times certain proportions of deposits in liquid form which are to be available for the payment of depositors. The amendment enables savings banks to use these funds for the payment of depositors by permitting them to hold less than the specified proportions for such periods and under such conditions as may be determined by the Minister of Finance.

*Clause 75* amends section 17 (7) of the principal Act by extending the definition of New Zealand Government securities to provide for the inclusion of such other securities as may be approved by the Minister of Finance.

#### *Public Trust Office*

*Clause 77* repeals section 102 of the Public Trust Office Act 1957, which section makes provision for the sale of goods by auction without an auctioneer's licence.

### *Public Works*

*Clause 79:* The Land Valuation Proceedings Amendment Act 1977 makes provision for the establishment of Land Valuation Tribunals having jurisdiction in certain land valuation matters, and transferred to such Tribunals jurisdiction in such matters formerly exercised by the Administrative Division of the Supreme Court.

This clause makes consequential amendments to the Public Works Act 1928 and its amendments by substituting references to a Land Valuation Tribunal for references to the Administrative Division of the Supreme Court.

### *Queen Elizabeth the Second Arts Council of New Zealand*

*Clause 81* amends the principal Act to provide that Regional Arts Councils shall have the functions of receiving recommendations as to the distribution of funds to Community Arts Councils and local arts groups, and of paying grants and subsidies to those bodies. It also empowers Community Arts Councils to make recommendations as to the priorities for distribution of funds by Regional Arts Councils; and repeals section 34 of the principal Act, under which the Minister of Internal Affairs may pay grants and subsidies directly to local arts groups.

*Clause 82* provides that a local authority cannot, without its consent, be designated by the Minister as an administrative local authority in respect of a Community Arts Council. It also provides that the designation must be withdrawn by the Minister 3 months after being requested to do so by the local authority.

### *Radiation Protection*

*Clause 84:* The present Radiological Advisory Council is in future to be known as the Radiation Protection Advisory Council. The name is being changed to help to avoid confusion with other bodies and committees that have been established since the Council was created in 1949. The clause makes necessary changes in the Radiation Protection Act 1965.

*Clause 85:* The present section 6 of the Radiation Protection Act 1965 provides that the Director-General of Health shall be the Chairman of the Council. The clause re-writes the section so as to provide for the Chairman to be appointed annually by the Council.

### *Rating*

*Clause 87* amends section 38 of the Rating Act 1967 (as amended by section 6 (6) of the Land Valuation Proceedings Amendment Act 1977), which now provides that the decision of the Land Valuation Tribunal on any objection under the Rating Act 1967 shall be final. The amendment made by section 6 (6) substituted a reference to a Land Valuation Tribunal for the former reference to the Administrative Division of the Supreme Court. That amendment had an unintended result in making such decisions of a Land Valuation Tribunal final, as by section 26 of the Land Valuation Proceedings Act 1948 there is a right of appeal to the Administrative Division of the Supreme Court against decisions of Land Valuation Tribunals. It was not intended that section 38 of the Rating Act 1967 should be an exception to the rights of appeal given by section 26, and this clause restores that right of appeal.

*Clause 88* re-enacts in an amended form subsections (1) to (4) of section 96 of the Rating Act 1967, relating to the registration of charges for rates on residential properties postponed pursuant to Part IV of that Act. Those provisions also apply, pursuant to section 114, to rates on farm land postponed pursuant to Part V. The effect of the existing provisions is as follows:

- (a) Rates postponed constitute a charge on the land, which may be registered by depositing with the District Land Registrar or Registrar of Deeds a certificate signed by the Clerk of the local authority. This charge must be registered each year in which the rates are postponed.
- (b) While a charge for postponed rates is registered, dealings may not be registered against the land except with the consent of the local authority.
- (c) A release of each charge must be registered as the postponed rates are paid or are written off after 5 years pursuant to section 97.

The purpose of the substituted subsections is to avoid the necessity of registering a charge each year as rates are postponed and registering a release as postponed rates are from time to time paid or written off. These subsections enable a charge to be registered when rates are first postponed, and this charge will then apply to all rates subsequently postponed pursuant to the decision of the local authority granting the application for postponement. In addition, only one release will be necessary, to be registered when all the rates affected by the postponement have been paid or written off.

#### *Real Estate Agents*

*Clause 90: Subclause (1)* corrects a drafting error.

*Subclauses (2) and (3)* authorise the agent of a licensed real estate agent who is temporarily prevented from carrying on business to apply to the Real Estate Agents Licensing Board for permission to act in the licensee's place.

*Subclause (4)* makes it clear that a person who is authorised to temporarily carry on business by the Registrar under section 32 (7) of the Real Estate Agents Act 1976 is to be regarded as the holder of the real estate agent's licence and to have authority to operate the trust account of the real estate agent concerned.

*Clause 91* provides that, where a company is a real estate agent, only an officer of that company who is eligible to obtain a licence in his own right shall be in effective control of the registered office of that real estate agent.

#### *Rotorua Town Lands*

*Clause 93* inserts into the principal Act a provision at present contained in the Finance Act 1922, thus enabling the later repeal of that Act.

#### *Shipping and Seamen*

*Clause 95* substitutes a new section 224 in the principal Act (which relates to the duration of certificates). The new section is in similar terms to the present section except that it provides that, subject to section 224A of the



principal Act (see *clause 96*), a certificate of survey in respect of a fishing boat shall be in force for a period not exceeding 4 years. The present section provides that such a certificate shall be in force for 1 year.

*Clause 96* substitutes a new subsection (1) in section 224A of the principal Act (which relates to the cancellation of certificates of survey of fishing boats). The new subsection is in similar terms to the present subsection except that it also provides that a certificate of survey of a fishing boat shall be deemed to be cancelled if—

- (a) The boat is not surveyed within the periods 1 month before and 2 months after the first, second, and third anniversaries of the date of completion of the survey leading to the issue of the certificate; or
- (b) A Surveyor notifies the owner of the boat that, as a result of a survey thereof, he is of the opinion that the boat does not comply with the requirements of the Act.

#### *Swamp Drainage*

*Clause 98* transfers to section 4 of the Swamp Drainage Amendment Act 1926, a provision at present contained in the Finance Act 1929.

*Clause 99* transfers to section 4 of the Swamp Drainage Amendment Act 1926, 2 provisions at present contained in the Finance Act 1930 (No. 2). Together with the preceding clause, this clause consequentially repeals provisions in old Finance Acts, thus enabling the eventual repeal of those Acts in their entirety.

#### *Tourist and Health Resorts Control*

*Clause 101* inserts into the principal Act provisions now contained in old Finance Acts, and will enable the repeal of those Acts (most of the provisions of which are already spent or repealed) at a later date.

#### *Treaty of Waitangi*

*Clause 103* makes the Department of Justice responsible for the provision of services to the Waitangi Tribunal. This responsibility is at present with the Department of Maori Affairs.

#### *Trustee*

*Clause 105*: Under subsection (1c) of the Trustee Act 1956 (as amended by section 3 of the Trustee Amendment Act 1974) stock, shares, debentures, etc., of a company do not qualify as authorised trustee investments if the company has not paid a dividend of at least 5 percent in each complete financial year for the 5 years immediately preceding. In recent years, for tax reasons, many companies have made payments to holders of their stock and shares from their share premium accounts and other capital assets, and the question has arisen as to whether these payments are to be regarded as dividends for the purposes of the said subsection (1c). The clause provides that they are to be so regarded except so far as they are in excess of amounts transferred by the company in the relevant financial year from revenue reserves or profits to a capital replacement fund (however described) that is not available to holders of stock or shares otherwise than in pursuance of a reduction of the capital of the company duly authorised by the Court

or in paying up unissued shares of the company to be issued to members of the company as fully paid bonus shares. The liability of such payment for tax falls to be considered in terms of the Income Tax Act 1976.

#### *Trustee Savings Banks*

*Clause 107* repeals section 20 of the principal Act governing banking of deposit money and the operation of clearing accounts, and section 21 governing imprest accounts, and substitutes a new section 20 which permits trustee savings banks to open accounts at the Reserve Bank of New Zealand, any trading bank, any trustee savings bank, any private savings bank, or the Post Office Savings Bank, and specifies conditions for the operation of those accounts.

*Clause 108, subclause (1)* amends section 24 (2) of the principal Act by extending the definition of New Zealand Government securities to provide for the inclusion of such other securities as may be approved by the Minister of Finance.

*Subclause (2)* adds a new subsection (7) to section 24 of the principal Act empowering savings banks to make mortgage advances on the security of cross-lease residential units subject to conditions determined by the Minister of Finance.

Paragraph (a) empowers savings banks to invest money on a mortgage of a cross-lease residential unit where the title to the unit comprises an interest in land held in common ownership and a lease of one of a number of units erected on the land.

Paragraph (b) limits advances made under this subsection to three-quarters of valuation of the unit, or such higher proportion as the Minister of Finance may specify.

#### *University of Auckland*

*Clause 110* relates to the eligibility of persons employed by the University of Auckland to hold office as members of the University Council. Such a person becomes ineligible if the annual amount received from the University exceeds an amount specified by the Minister of Education. The clause empowers the Minister to specify different amounts in respect of different categories of person so as to take account of the special circumstances of persons such as medical practitioners.

#### *University of Otago Amendment*

*Clause 112* relates to the eligibility of persons employed by the University of Otago to hold office as members of the University Council. Such a person becomes ineligible if the annual amount received from the University exceeds an amount specified by the Minister of Education. The clause empowers the Minister to specify different amounts in respect of different categories of person so as to take account of the special circumstances of persons such as medical practitioners.

#### *Valuers*

*Clause 114* amends sections 32 and 33 of the Valuers Act 1948, relating to the disciplinary powers of the Valuers Registration Board. The effect of this clause is as follows:

- (a) *Subclause (1)*: By section 32 (1) of the Act, every complaint that a registered valuer has been guilty of misconduct is to be referred to the Valuer-General, who is to investigate the matter and report thereon to the Valuers Regulation Board. This subclause provides an alternative procedure enabling the Council of the New Zealand Institute of Valuers to appoint a person to investigate such a complaint and report thereon to the Board:
- (b) *Subclause (2)* is consequential on *subclause (1)*:
- (c) *Subclause (3)* amends section 33 (1) relating to the disciplinary powers of the Board in dealing with a complaint against a registered valuer as follows:
- (i) The Board is empowered to reprimand the valuer instead of or in addition to its existing powers of imposing a monetary penalty or suspending his registration;
  - (ii) The maximum monetary penalty that the Board may impose is increased from \$20 to \$500.

*Clause 115* increases the maximum fines for offences against the Act or regulations under the Act as follows:

- (a) The maximum fine for an offence against the Act is increased from \$100 to \$500 and the maximum additional fine in the case of a continuing offence is increased from \$10 a day to \$50 a day.
- (b) The maximum fine that may be fixed for an offence against regulations is increased from \$100 to \$500.

#### *Weights and Measures*

*Clause 117* substitutes a new section 20 in the principal Act. This section enables a purchaser who buys goods sold by retail by weight or measure to have them check-weighed or check-measured. The new section preserves the requirement which enables the purchaser to have the goods check-weighed or check-measured but it relaxes, and in some cases dispenses with, the requirements relating to the keeping and positioning of weighing instruments and measures by retailers on their premises.

*Clause 118* amends section 4 of the Weights and Measures Amendment Act 1976. Under that section only weights and measures of the metric system may be used in advertising, displaying, or exposing, for sale by retail, certain goods which, by virtue of regulations made under that Act, are required to be packed and sold only by metric units. The amendment authorises both Imperial and metric units to be used together in the advertising, the displaying, and the exposing for sale of such goods. This authorisation of dual marking is subject to certain conditions and it continues in force only until the 30th day of June 1979 or until such later date as may be appointed by Order in Council.

#### *Wheat Board*

*Clause 120*: Under the present constitution of the New Zealand Wheat Board provision is made for the appointment of an officer of the Treasury as a member of that Board. Provision is now made by this amendment for the appointment instead of an officer of the Ministry of Agriculture and Fisheries.

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Hon. Mr Thomson

## STATUTES AMENDMENT

### ANALYSIS

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- 120. Membership of Board Schedule

## 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

1. **Short Title**—This Act may be cited as the Statutes Amendment Act 1977.

*Accident Compensation*

2. **Sections to be read with Accident Compensation Act 1972**—This section and the next 2 succeeding sections shall be read together with and deemed part of the Accident Compensation Act 1972\* (in that section referred to as the principal Act).

10

\*Reprinted 1975, Vol. 2, p. 1409

3. **Agent to pay levies to Commission**—(1) The principal Act is hereby amended by repealing section 82, and substituting the following section:

15

“82. (1) Subject to subsection (4) of this section, where any levy is paid to an agent under this Part of this Act, the agent may deduct from the amount so paid a collection fee at a rate fixed by the Commission but not exceeding any prescribed rate and shall, not later than the end of the month following the month in which payment is received, pay the balance of that amount to the Commission.

20

“(2) Subject to subsection (5) of this section, where any person, in accordance with this Part of this Act, delivers to the Commissioner of Inland Revenue any statement that he is, as a self-employed person, required so to deliver, from which it appears to the Commissioner that an amount of levy is, or will become, due and payable by that person, the Commissioner shall, without further appropriation than this section, pay to the Commission out of the Consolidated Revenue Account an amount equal to that amount, less a collection fee at a rate fixed by the Commission but not exceeding any prescribed rate.

25

30

“(3) Subject to subsection (5) of this section, where notice is given to any person of an assessment or amended assessment under section 83 (3) of this Act of an amount of levy payable by him as a self-employed person, the  
 5 Commissioner of Inland Revenue shall, without further appropriation than this section, pay to the Commission out of the Consolidated Revenue Account an amount equal to that amount less—

10 “(a) Any amount already paid to the Commission under this subsection or subsection (2) of this section in respect of that amount or any part of it; and

“(b) A collection fee at a rate fixed by the Commission but not exceeding any prescribed rate.

15 “(4) All levy paid to the Commissioner of Inland Revenue by any person as a self-employed person in respect of—

“(a) An assessment or amended assessment issued; or

“(b) A statement delivered to the Commissioner in accordance with this Part of this Act—

20 on or after the 1st day of October 1978 shall be paid into the Consolidated Revenue Account.

“(5) Where any amount of levy payable by any person to the Commissioner of Inland Revenue as a self-employed person in respect of which the Commissioner has made any payment to the Commission under subsection (2) or sub-  
 25 section (3) of this section is written off under section 171 (6) of this Act or is reduced by an assessment or amended assessment under section 83 (3) of this Act the Commissioner may make an appropriate adjustment in any subsequent amount paid to the Commission by him under that subsection.

30 “(6) All money paid to the Commission under this section shall be paid into the Earners’ Compensation Fund.”

(2) This section shall come into force on the 1st day of October 1978.

35 **4. Regulations**—Section 181 (1) of the principal Act is hereby amended by repealing paragraph (g), and substituting the following paragraph:

40 “(g) Prescribing requirements, either generally or in relation to any class or group of employers or self-employed persons, as to the delivery of statements, the payment of levies, and the financial year in relation to which the earnings to be shown in any such statements are to be determined, for the purposes of section 76 to 80 of this Act, whether  
 45 in addition to or in place of any requirements prescribed by those sections:”



*Accident Insurance Companies*

**5. Sections to be read with Accident Insurance Companies Act 1908**—This section and the next succeeding section shall be read together with and deemed part of the Accident Insurance Companies Act 1908\* (in that section referred to as the principal Act). 5

\*1957 Reprint, Vol. 1, p. 25  
Amendment: 1972, No. 44

**6. New sections substituted**—(1) The principal Act is hereby amended by repealing sections 3 and 4, and substituting the following sections:

“**3. Company to prepare annual statement**—(1) Every 10 company shall, at the expiration of each of its financial years, prepare a printed statement, in such form as the Governor-General may from time to time by Order in Council prescribe, of its accident insurance business transacted in New Zealand during such year, and of its balance sheet at the close of such year. 15

“(2) Every such statement shall be signed by the principal officer of the company managing the accident insurance business in New Zealand, and shall have appended thereto a certificate signed by the said principal officer and by the auditor, to the effect that the assets set forth in the balance sheet forming part of the statement are, in the aggregate, fully to the value stated therein, and that no part of the Accident Insurance Fund has been applied, directly or indirectly, for any purpose other than accident insurance business. 20 25

“(3) Where a company transacts any other class of insurance business besides accident insurance, the statement shall include an explanation of the manner in which expenditure common to the business as a whole has been apportioned amongst the different classes of business. 30

“**4. Printed statement to be deposited with Secretary for Justice**—Every statement prepared pursuant to section 3 of this Act shall, within 4 months of the close of the company’s financial year, be deposited with the Secretary for Justice, together with 3 printed copies thereof.” 35

(2) The following enactments are hereby consequentially repealed:

- (a) Section 18 of the Finance Act 1927:
- (b) Section 56 of the Finance Act 1930 (No. 2):
- (c) Section 2 (2) of the Accident Insurance Companies Amendment Act 1972.

5 *Agricultural and Pastoral Societies*

**7. Sections to be read with Agricultural and Pastoral Societies Act 1908**—This section and the next succeeding section shall be read together with and deemed part of the Agricultural and Pastoral Societies Act 1908\*.

\*1957 Reprint, Vol. 1, p. 127  
Amendments: 1961, No. 37; 1973, No. 48

- 10 **8. Application of money received from sale of land**—Section 3 (1) of the Agricultural and Pastoral Societies Amendment Act 1912 is hereby amended by adding, after the words “acquisition of other land by the society”, the words “, or, in the case of land which, for the purposes of the  
15 Society, has been granted by the Crown or acquired from the Crown in exchange for land originally granted by the Crown for such purposes as the Minister of Agriculture may approve and subject to such conditions as he may impose”.

*Agricultural Pests Destruction*

- 20 **9. Sections to be read with Agricultural Pests Destruction Act 1967**—This section and the next succeeding section shall be read together with and deemed part of the Agricultural Pests Destruction Act 1967\* (in that section referred to as the principal Act).

\*1967, No. 147  
Amendments: 1968, No. 65; 1971, No. 74; 1974, No. 62; 1975, No. 59

- 25 **10. General rate**—Section 71 of the principal Act (as amended by section 13 (1) of the Agricultural Pests Destruction Amendment Act 1974) is hereby further amended by omitting from subsections (3) and (4) respectively the figures “37”, and substituting in each case the figures “60”.

30 *Animals*

**11. Sections to be read with Animals Act 1967**—This section and the next succeeding section shall be read together with and deemed part of the Animals Act 1967\* (in that section referred to as the principal Act).

\*1967, No. 50  
Amendments: 1969, No. 50; 1974, No. 17; 1976, No. 52

**12. New section empowering making of regulations governing animal embryos**—The principal Act is hereby amended by inserting, after section 26, the following section:

“26A. **Regulations governing animal embryos**—(1) The Governor-General may from time to time, by Order in Council, make regulations for controlling or prohibiting the practice of animal embryo transference, and the distribution and sale of animal embryos. 5

“(2) Without limiting the general power hereinbefore conferred, it is hereby declared that regulations may be made under this section for all or any of the following purposes: 10

“(a) Constituting, or providing for the constitution, appointment, or election, of committees for all or any of the purposes of regulations made pursuant to this section, and defining the functions of any such committee, and providing for the fees and allowances payable to the members thereof: 15

“(b) Providing for the licensing of premises used for the collection, storage, or implantation of animal embryos, and for the standards of premises which may be so licensed; and controlling or prohibiting the use of any other premises for any such purpose: 20

“(c) Providing for the licensing of persons engaged in the collection, storage, or implantation of animal embryos, and for the qualifications of persons who may be so licensed; and controlling or prohibiting the collection, storage, or implantation of animal embryos by other persons: 25

“(d) Providing for the registration or approval of all animals from which animal embryos may be collected, and for the standards of animals which may be so registered or approved; and controlling or prohibiting the collection of animal embryos from other animals: 30

“(e) Prescribing the standards of animals that may be implanted with embryos: 35

“(f) Providing for the testing or treatment, for the purposes of disease prevention or control, of animal embryos and animals from which embryos are collected or in which embryos are implanted: 40

- “(g) Providing for the publication from time to time of a list or lists showing the premises, persons, and animals registered, licensed, or approved under regulations made pursuant to this section:
- 5 “(h) Prescribing fees for the issue of licences under regulations made pursuant to this section.”

*Apprentices*

13. Sections to be read with Apprentices Act 1948—This section and the next 2 succeeding sections shall be read  
10 together with and deemed part of the Apprentices Act 1948\* (in those sections referred to as the principal Act).

\*Reprinted 1974, Vol. 3, p. 2229  
Amendment: 1976, No. 75

14. Delegation of powers of Commissioner and District Commissioners of Apprenticeship—The principal Act is hereby amended by inserting, after section 4, the following  
15 section:

“4A. (1) The Commissioner, or any District Commissioner, may from time to time by writing under his hand delegate to any officers or employees of the Department of Labour, either generally or particularly, all or any of his powers under this  
20 Act (other than the power of delegation conferred by this section); and may similarly revoke the delegation of any such power.

“(2) A power may be delegated under this section either unconditionally or subject to such conditions, restrictions,  
25 and directions, as the person delegating it may at any time impose or give; and a person to whom any power is so delegated shall exercise it in accordance with any such condition, restriction, or direction.

“(3) Subject to subsection (2) of this section, any person  
30 to whom a power is delegated under this section may exercise it in the same manner and with the same effect as if it had been conferred on him directly by this section and not by delegation.

“(4) The delegation of any power to any person under  
35 this section shall not prevent its exercise by the person delegating it.

“(5) The purported exercise by any person of any power delegated to him under this section shall, in the absence of proof to the contrary, be deemed to be in accordance with the terms of the delegation.

“(6) Every delegation under this section shall continue in force according to its tenor until revoked, notwithstanding that the Commissioner or District Commissioner by whom it was made may have ceased to hold office.” 5

**15. Consent required before apprenticeship contract entered into**—Section 19 (3) of the principal Act is hereby amended by omitting from the proviso the words “the Court”, and substituting the words “the appropriate local committee or, where there is no such committee, the District Commissioner”. 10

*Auctioneers*

15

**16. Sections to be read with Auctioneers Act 1928**—This section and the next succeeding section shall be read together with and deemed part of the Auctioneers Act 1928\* (in that section referred to as the principal Act).

**17. Voluntary surrender of licence**—The principal Act is hereby amended by inserting, after section 25, the following section: 20

“25A. (1) A licensee may at any time surrender his licence by forwarding a written notice to that effect, together with the licence, to the Magistrate’s Court in which the Court records relating to the licence are held. 25

“(2) The Registrar of that Court shall endorse on the notice the date on which he receives it, and the licence shall, as from that date, cease to have effect.

“(3) The surrender of a licence under this section shall not affect the licensee’s liability— 30

“(a) To pay any fees or other money payable or to be payable in accordance with this Act on or before the date on which the licence would, but for its surrender, expire: 35

“(b) To perform any obligation required to be performed by him by or under this Act on or before that date:

“(c) For any act done or default made before the date on which the licence ceased to have effect.”

*Cinematograph Films*

18. **Sections to be read with Cinematograph Films Act 1976**—This section and the next 2 succeeding sections shall be read together with and deemed part of the Cinematograph Films Act 1976\* (in those sections referred to as the principal Act).

\*1976, No. 168

19. **Delegation of powers by Licensing Authority**—Section 44 of the principal Act is hereby amended by adding the following subsection:

10 “(5) Without limiting subsection (4) of this section, the Licensing Authority may delegate in writing to any of its members, or to the Secretary or any other officer of the Licensing Authority such of its powers as it thinks fit to enable it to more adequately perform any of its functions  
15 under paragraph (a) or paragraph (b) of subsection (1) of this section.”

20. **Circumstances in which exhibitor’s licence not required**—(1) Section 51 of the principal Act is hereby amended by inserting, after subsection (2), the following  
20 subsection:

“(2A) Without limiting subsection (2) of this section, where both the conditions specified in subsection (4) of this section are met no exhibitor’s licence is required for the exhibition of any film—

25 “(a) By any educational institution, if the film is exhibited as part of the ordinary curriculum of the institution, and the exhibition is restricted to the students and staff of the institution; or

30 “(b) By any religious body, or any hospital or other medical body, if the film is exhibited for instructional purposes in furtherance of the aims of the body; or

35 “(c) By any incorporated cine club, if admission to the exhibition is limited to members of the club and their families, and the film is one that was produced by a New Zealand amateur film maker and is obtained for exhibition by the club otherwise than by renting; or

“(d) By any incorporated society, if admission to the exhibition is limited to members of the society and their families, and the film is exhibited for instructional purposes in furtherance of the aims of the society.”

5

(2) The said section 51 is hereby further amended by adding the following subsection:

“(4) The conditions referred to in subsection (2A) of this section are:

“(a) That no charge is made for admission to the exhibition:

10

“(b) That the institution, body, club, or society shall not publicly advertise the exhibition otherwise than by public notification for the information of students, staff, or members, or other persons belonging to the class or classes entitled to attend the exhibition, of the date, time, and place of the exhibition and of the titles of the films to be exhibited.”

15

#### *Civil Aviation*

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**21. Sections to be read with Civil Aviation Act 1964**—This section and the next 2 succeeding sections shall be read together with and deemed part of the Civil Aviation Act 1964\* (in that section referred to as the principal Act).

\*1964, No. 68

Amendments: 1969, No. 9; 1970, No. 52; 1971, No. 22; 1971, No. 85; 1975, No. 34; 1976, No. 153

**22. Interpretation**—Section 2 of the principal Act is hereby amended by omitting from the definition of the term “security area” the word “Director”, and substituting the word “Secretary”.

25

**23. Regulations**—Section 29 (2) of the principal Act is hereby amended by repealing paragraph (ea) (as inserted by section 5 of the Civil Aviation Amendment Act 1976), and substituting the following paragraph:

30

“(ea) Providing for the approval, regulation, control, prescription, substitution, and amendment by the Secretary of tariffs for the carriage by air of persons, baggage, and cargo—

35

“(i) Between New Zealand and places outside New Zealand; and

5 “(ii) Where that carriage is purchased, sold, or arranged in New Zealand, between places outside New Zealand— and requiring the adherence to all or any of the tariffs so approved, regulated, controlled, prescribed, substituted, or amended of persons engaged in providing or arranging such carriage.”

*Construction*

10 **24. Sections to be read with Construction Act 1959**—This section and the next 2 succeeding sections shall be read together with and deemed part of the Construction Act 1959\* (in those sections referred to as the principal Act).

\*Reprinted 1972, Vol. 2, p. 1421  
Amendments: 1973, No. 53; 1975, No. 64; 1976, No. 81

15 **25. Notifiable construction work**—Section 8 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection:

20 “(2) Subject to subsection (6) of this section, an employer shall not commence any construction work which is a notifiable work or which will at any time include notifiable work unless he has first notified the Inspector of the nature of the construction work, the nature of the notifiable work, and the time when he intends to commence the construction work.”

25 **26. Duties of workmen**—Section 23 of the principal Act is hereby amended by inserting, after the word “Act” where it first occurs, the words “or under any regulations for the time being in force under this Act”.

*Co-operative Companies*

30 **27. Sections to be read with Co-operative Companies Act 1956**—This section and the next succeeding section shall be read together with and deemed part of the Co-operative Companies Act 1956\* (in that section referred to as the principal Act).

\*1957 Reprint, Vol. 2, p. 791  
Amendment: 1976, No. 82



**28. Interpretation**—Section 2 (1) of the principal Act is hereby amended as from the commencement of the principal Act by repealing the definition of the term “co-operative fertiliser manufacturing company”, and substituting the following definition:

“‘Co-operative fertiliser manufacturing company’ means a company the principal object of which is the manufacture of fertilisers for the use of its shareholders:”.

#### *Dairy Board*

**29. Sections to be read with Dairy Board Act 1961**—This section and the next succeeding section shall be read together with and deemed part of the Dairy Board Act 1961\* (in that section referred to as the principal Act).

\*Reprinted 1976, Vol. 4, p. 3337

**30. Superannuation for employees of dairy companies**—Section 45 (8) of the principal Act (as added by section 11 (2) of the Dairy Board Amendment Act 1975) is hereby amended by omitting the words “for the investment of the New Zealand Superannuation Fund by section 27 of the New Zealand Superannuation Act 1974”, and substituting the words “by regulations made under the Superannuation Schemes Act 1976 for trustees of approved schemes for employees within the meaning of that Act”.

#### *Dogs Registration*

**31. Sections to be read with Dogs Registration Act 1955**—This section and the next succeeding section shall be read together with and be deemed part of the Dogs Registration Act 1955\* (in that section referred to as the principal Act).

\*1955, No. 42

Amendments: 1961, No. 79; 1962, No. 64; 1965, No. 80; 1968, No. 77; 1969, No. 13; 1973, No. 59; 1976, No. 56

**32. Registration fees**—Section 8 of the principal Act is hereby amended by inserting in paragraph (e) of subsection (1) (as inserted by section 5 (1) of the Dogs Registration Amendment Act 1976), after the words “the registration of a dog”, the words “on or”.

*Engineers Registration*

**33. Sections to be read with Engineers Registration Act 1924**—This section and the next 2 succeeding sections shall be read together with and deemed part of the Engineers  
5 Registration Act 1924\* (in those sections referred to as the principal Act).

\*1957 Reprint, Vol. 4, p. 613  
Amendments: 1966, No. 60; 1972, No. 56

**34. Constitution and procedure of Engineers Registration Board**—Section 3 (1) of the principal Act is hereby amended  
10 by omitting the words “New Zealand Society of Civil Engineers (Incorporated)”, and substituting the words “New Zealand Institution of Engineers (Incorporated)”.

**35. Qualifications of applicants for registration as engineers**—Section 6 (1) of the principal Act is hereby  
15 amended by inserting, after the words “Every person”, the words “, being ordinarily resident in New Zealand,”.

*Friendly Societies*

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

\*1957 Reprint, Vol. 5, p. 431  
Amendments: 1959, No. 64; 1961, No. 112; 1962, No. 70; 1963, No. 89;  
1968, No. 83; 1970, No. 65; 1972, No. 61; 1975, No. 21

**37. Friendly society may transfer surplus from one benefit fund in aid of deficient fund**—(1) The principal Act is hereby amended by inserting, after section 41, the following  
25 section:  
“41A. (1) Where a registered society or registered branch has more than one benefit fund, it may, if the rules of the society so provide and with the consent of the Actuary and the Registrar, transfer from any benefit fund which has been reported to possess a surplus at the last actuarial  
30 valuation so much thereof as can be safely used to any benefit fund or benefit funds of such society or branch reported at the last actuarial valuation to be deficient; and if in the opinion of the Registrar the circumstances in any case are exceptional, it may with the like consents

appropriate so much of the surplus of any benefit as can be safely used for any of the purposes mentioned in section 41 (1) of this Act, notwithstanding that the society or branch may not possess a surplus when all its funds are taken into account. 5

“(2) A registered branch of any friendly society may in accordance with subsection (1) of this section, with the necessary modifications, transfer so much of any surplus of a branch fund as can be safely used to any deficient fund of the society of which it is a branch.” 10

(2) The following enactments are hereby consequentially repealed:

(a) Section 4 of the Friendly Societies Amendment Act 1915: 15

(b) Section 42 of the Finance Act 1929. 15

*Government Superannuation Fund*

**38. Sections to be read with Government Superannuation Fund Act 1956**—This section and the next succeeding section shall be read together with and deemed part of the Government Superannuation Fund Act 1956\* (in that section referred to as the principal Act). 20

\*Reprinted 1975, Vol. 4, p. 3263  
Amendment: 1976, No. 30

**39. Election of variable retiring allowance**—Section 40 of the principal Act, as amended by section 11 of the Government Superannuation Fund Amendment Act 1959, is hereby further amended by adding the following subsection: 25

“(10) Notwithstanding the foregoing provisions of this section, where any person has elected to accept a variable retiring allowance and there has been no reduction of the rate for the time being payable in respect of that allowance, that person may, if the Board so permits, further elect, at any time not later than the 31st day of December 1979, to have an actuarial adjustment of that allowance so that the reduction in the rate of payment will become effective on such date as the Board may determine, being a date earlier than the date on which the person will attain the age of 65 years.” 30  
35

*Hospitals*

40. Sections to be read with Hospitals Act 1957—(1) This section and the next succeeding section shall be read together with and deemed part of the Hospitals Act 1957\* (in that section referred to as the principal Act).

(2) This section and the next succeeding section shall come into force on the 1st day of April 1978.

\*Reprinted 1970, Vol. 3, p. 1865  
 Amendments: 1971, No. 31; 1971, No. 49; 1972, No. 68; 1973, No. 43; 1975, No. 5; 1975, No. 79; 1976, No. 54

41. Unauthorised expenditure—Section 97A of the principal Act (as inserted by section 135 of the Public Finance Act 1977), is hereby amended—

(a) By omitting from subsection (1) the words “Wellington, and North Canterbury Hospital Boards to more than \$1,000 each, nor in any other case to more than \$700”, and substituting the words “Waikato, Wellington, North Canterbury, and Otago Hospital Boards to more than \$2,000 each, nor in any other case to more than \$1,400”.

(b) By repealing subsection (2).

*Industrial and Provident Societies*

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

\*1957 Reprint, Vol. 6, p. 389  
 Amendments: 1964, No. 92; 1965, No. 89; 1967, No. 82; 1973, No. 68

43. Increasing value of shares that member may hold—

(1) Section 2 of the Industrial and Provident Societies Amendment Act 1923 (as amended by section 3 (2) of the Industrial and Provident Societies Amendment Act 1967) is hereby further amended by omitting the words “two thousand dollars”, and substituting the words “\$4,000 or such higher amount as the Minister of Justice may specify by notice in the *Gazette* in respect of any particular society”.

(2) Section 9 (e) of the principal Act is hereby amended by omitting from the proviso (as amended by section 2 (1) (b) of the Industrial and Provident Societies Amendment Act 1967) the words “two thousand dollars”, and substituting the words “the amount specified by or under section 2 (1) of the Industrial and Provident Societies Amendment Act 1923”. 5

(3) Section 2 (1) of the Industrial and Provident Societies Amendment Act 1919 (as amended by section 2 (2) of the Industrial and Provident Societies Amendment Act 1967) is hereby further amended— 10

(a) By omitting the words “two thousand dollars” where they first occur, and substituting the words “the amount specified by or under section 2 (1) of the Industrial and Provident Societies Amendment Act 1923”: 15

(b) By omitting the words “two thousand dollars” where they secondly occur, and substituting the words “that amount”.

(4) The Second Schedule to the principal Act is hereby amended by omitting from clause 5 (as amended by section 3 (1) of the Industrial and Provident Societies Amendment Act 1967) the words “, not exceeding two thousand dollars,”. 20

(5) Section 2 (1) (b) and (2) and section 3 of the Industrial and Provident Societies Amendment Act 1967 are hereby consequentially repealed. 25

#### *Insurance Companies Deposits*

**44. Sections to be read with Insurance Companies Deposits Act 1953**—This section and the next succeeding section shall be read together with and deemed part of the Insurance Companies Deposits Act 1953\* (in that section referred to as the principal Act). 30

\*1957 Reprint, Vol. 6, p. 637

Amendments: 1958, No. 71; 1971, No. 102; 1972, No. 72; 1974, No. 145

**45. Withdrawal of deposits**—Section 19 of the principal Act is hereby amended by inserting, after subsection (1A), the following subsection:

“(1B) Any person who has made a deposit with the Public Trustee under section 3 (1) (d) of this Act may withdraw that deposit to the extent that he is relieved from making such a deposit by virtue of section 3 (5) of this Act.” 35

*Land Valuation Proceedings*

46. Sections to be read with Land Valuation Proceedings Act 1948—This section and the next succeeding section shall be read together with and deemed part of the Land Valuation Proceedings Act 1948\*.

\*Reprinted, 1968, Vol. 2, p. 1595  
Amendments: 1970, No. 25; 1977, No. 15

47. References to Administrative Division of Supreme Court—Section 6 of the Land Valuation Proceedings Amendment Act 1977 is hereby amended by inserting, after subsection (7), the following subsection:

10 “(7A) Every reference to the Administrative Division of the Supreme Court in any enactment in force at the commencement of this Act (other than an enactment specified in the Schedule to this Act), being a reference that was substituted for a reference to the Land Valuation Court, shall, after the commencement of this Act, be read as a reference to the Land Valuation Tribunal.”

*Life Insurance*

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

\*1957 Reprint, Vol. 8, p. 333  
Amendments: 1958, No. 77; 1962, No. 79; 1964, No. 98; 1966, No. 23; 1967, No. 90; 1970, No. 77; 1972, No. 78; 1974, No. 146; 1975, No. 85

49. Deposits by holding companies or subsidiaries in certain cases—The principal Act is hereby amended by inserting, after section 3, the following section:

25 “3A. (1) Where any company has ceased to carry on in New Zealand the business of life insurance; and

30 “(a) Another company, being its subsidiary or its holding company or another subsidiary of its holding company, proposes to carry on the same business as was previously carried on by the company that has so ceased; and

35 “(b) The Minister approves for the time being of such arrangements as are entered into for the purpose of protecting the interests of the policy holders of the company that has so ceased,—

then, until such time as the company that has so ceased, pursuant to section 12 of this Act, withdraws its approved securities deposited with the Public Trustee under section 3 of this Act, those approved securities shall for the purposes of sections 3 (2), 6A, and 10 of this Act be deemed to have been made by the said other company. 5

“(2) So long as the deposits of the company that has so ceased are deemed by this section to have been made by the said other company, the company that has so ceased shall not recommence to carry on the business of life insurance in New Zealand unless the company that has so ceased deposits with the Public Trustee approved securities equal in value to the deposits required under section 3 of this Act. 10

“(3) For the purposes of subsections (1) and (2) of this section a company shall not be regarded as carrying on the business of life insurance by reason only that it receives premiums or other money or does other acts in respect of policies that have already been issued. 15

“(4) For the purposes of section 8 of this Act, the deposits deemed by this section to have been made by the other company referred to in subsection (1) of this section and any further deposits made by that other company under section 3 of this Act shall be held by the Public Trustee in trust for the policy holders of both that other company and the company that has ceased to carry on in New Zealand the business of life insurance until such time as the deposits deemed to have been made by that other company are withdrawn by the company that has so ceased under section 12 of this Act. 20 25

“(5) In this section—

“(a) The ‘business of life insurance’ means the carrying on of the business of insurance upon human life, or the grant of annuities, or of reinsurance in respect of policies of insurance upon human life or the grant of annuities; and 30

“(b) ‘Holding company’ and ‘subsidiary’ have the meanings assigned to them in section 158 of the Companies Act 1955 except that, for the purposes of this section, references to a company in the said section 158 shall be deemed to include an overseas company as defined in section 2 (1) of that Act.” 35 40

*Local Elections and Polls*

50. Sections to be read with Local Elections and Polls Act 1976—This section and the next succeeding section shall be read together with and deemed part of the Local Elections and Polls Act 1976\* (in that section referred to as the principal Act).

\*1976, No. 144

51. **Blind, disabled, or illiterate voter**—(1) Section 36 of the principal Act is hereby amended by repealing subsection (3), and substituting the following subsection:

10 “(3) Where a voter to whom paragraph (b) or paragraph (c) of subsection (1) of this section applies has received a voting paper, the following provisions shall apply:

15 “(a) At the request of the voter, the Deputy Returning Officer shall assist the voter to mark the voting paper or mark the voting paper in accordance with the instructions of the voter; and

20 “(b) A poll clerk or some other person nominated by the voter shall also be present when the voting paper is marked, and may, if so desired by the voter, inspect the voting paper before it is placed in the ballot box.”

(2) Section 36 of the principal Act is hereby further amended by repealing subsection (5).

*Magistrates' Courts*

25 52. Sections to be read with Magistrates' Courts Act 1947—This section and the next succeeding section shall be read together with and deemed part of the Magistrates' Courts Act 1949\* (in that section referred to as the principal Act).

\*1957 Reprint, Vol. 8, p. 647

Amendments: 1960, No. 112; 1963, No. 100; 1964, No. 99; 1966, No. 69; 1967, No. 42; 1970, No. 81; 1971, No. 56; 1974, No. 20; 1975, No. 87

30 53. **Appointment of Magistrates**—Section 5 of the principal Act is hereby amended by omitting from subsection (2) (as substituted by section 3 (1) of the Magistrates' Courts Amendment Act 1974) the expression “60”, and substituting the expression “65”.



*Maori Education Foundation*

**54. Sections to be read with Maori Education Foundation Act 1961**—This section and the next succeeding section shall be read together with and deemed part of the Maori Education Foundation Act 1961\* (in that section referred to as the principal Act). 5

\*1961, No. 46

Amendments: 1962, No. 82; 1963, No. 101; 1965, No. 95; 1970, No. 82; 1972, No. 80; 1975, No. 88

**55. Grants for general purposes**—Section 24 (1) (q) of the principal Act (as amended by section 7 (1) of the Decimal Currency Act 1964) is hereby further amended by omitting the words “two hundred dollars”, and substituting 10 the expression “\$500”.

*Marginal Lands*

**56. Sections to be read with Marginal Lands Act 1950**—This section and the next succeeding section shall be read together with and deemed part of the Marginal Lands Act 1950\* (in that section referred to as the principal Act). 15

\*1950, Vol. 9, p. 279

Amendments: 1958, No. 78; 1962, No. 83; 1965, No. 96; 1969, No. 93; 1970, No. 83

**57. Functions and powers of Board**—Section 12 of the principal Act is hereby amended by inserting, after subsection (2B) (as inserted by section 2 (1) of the Marginal Lands Amendment Act 1970), the following subsection: 20

“(2c) Notwithstanding anything in the foregoing provisions of this section, the Board, in the exercise of its functions under this Act, may make advances or readvances on current account or otherwise to any applicant approved by the Board (not being the owner or occupier of farm land or marginal 25 land) for the purchase of any freehold or leasehold or other estate or interest in land (whether marginal land or not) which, on its own, is, in the opinion of the Board, incapable of being farmed as an economic farm unit.”

*Marine Farming*

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**58. Sections to be read with Marine Farming Act 1971**—This section and the next 2 succeeding sections shall be read together with and deemed part of the Marine Farming Act 1971\* (in those sections referred to as the principal Act).

\*1971, No. 29

Amendments: 1975, No. 51; 1976, No. 147

**59. Requirements relating to structures and rafts**—(1) Section 30 (2) of the principal Act is hereby amended by adding the following proviso:

5 “Provided that notwithstanding anything in the foregoing provisions of this subsection or in section 178 of the Harbours Act 1950,—

10 “(a) The Minister of Transport may delegate to any Harbour Board his powers under the said section 178 in respect of any matter specified in this subsection, subject to such conditions as that Minister thinks fit; and

15 “(b) So long as any such delegation continues in force, the plans required by this subsection to be lodged with the Secretary for Transport shall be prepared to the satisfaction of the Harbour Board and be lodged with the Harbour Board; and

20 “(c) The references in the said section 178 to the Minister of Transport shall, in relation to the powers so delegated, be read as references to the Harbour Board; and

“ (d) The reference to the Minister in subsection (3) of this section shall, in relation to the structure to which the delegation applies, be read as a reference to that Harbour Board.”

25 (2) Section 31 (2) of the principal Act (as substituted by section 9 (2) of the Marine Farming Amendment Act 1975) is hereby amended by adding the following proviso:

30 “Provided that notwithstanding anything in the foregoing provisions of this subsection or in section 178 of the Harbours Act 1950,—

35 “(a) The Minister of Transport may delegate to any Harbour Board his powers under the said section 178 in respect of any matter specified in this subsection, subject to such conditions as that Minister thinks fit; and

40 “(b) So long as any such delegation continues in force, the plans required by this subsection to be lodged with the Secretary for Transport shall be prepared to the satisfaction of the Harbour Board and be lodged with the Harbour Board; and

“ (c) The references in the said section 178 to the Minister of Transport shall, in relation to the powers so delegated, be read as references to the Harbour Board.”

**60. Regulations**—Section 46 (1) of the principal Act is hereby amended by adding to paragraph (ja) (as inserted by section 6 of the Marine Farming Amendment Act 1976) the words “and prescribing fees payable in respect of any such inspection and of any application for such approval.” 5

*Medical Practitioners*

**61. Sections to be read with Medical Practitioners Act 1968**—This section and the next succeeding sections shall be read together with and deemed part of the Medical Practitioners Act 1968\* (in those sections referred to as the principal Act). 10

\*1968, No. 46

Amendments: 1970, No. 142; 1972, No. 82; 1973, No. 74

**62. Power of Council to borrow**—The principal Act is hereby amended by inserting, after section 13, the following section:

“13A. The Council shall have, and shall be deemed always to have had, power to borrow money for the purposes of the Council, and power for the purpose of securing any money so borrowed, to mortgage, charge, or pledge any right, title, estate, or interest in any real or personal property vested in the Council.” 15  
20

**63. Constitution of Medical Practitioners Disciplinary Committee**—Section 40 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection:

- “(2) The Disciplinary Committee shall consist of— 25  
 “(a) Four registered medical practitioners who shall be appointed by the Council of the Association:  
 “(b) One registered medical practitioner who shall be appointed by the Minister:  
 “(c) One person, not being a medical practitioner and being of eminence and distinction in the community, who shall be appointed by the Minister.” 30

*National Library*

**64. Sections to be read with National Library Act 1965**—This section and the next succeeding section shall be read together with and deemed part of the National Library Act 1965\* (in that section referred to as the principal Act). 35

\*1965, No. 136

Amendments: 1971, No. 114; 1973, No. 79; 1976, No. 105

65. Fees, travelling allowances, and expenses—Section 17 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

5 “(1) The Trustees may pay to each trustee appointed or holding office under section 9 of this Act, and to each member of any committee appointed and holding office under section 14 of this Act, fees, travelling allowances, and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly as if each member of any such committee (as well as each trustee) was a member of a statutory Board.”

*National Provident Fund*

66. Sections to be read with National Provident Fund Act 1950—This section and the next succeeding section shall be read together with and deemed part of the National Provident Fund Act 1950\* (in that section referred to as the principal Act).

\*1957 Reprint, Vol. 10, p. 787

Amendments: 1958, No. 105; 1959, No. 44; 1960, No. 75; 1961, No. 110; 1962, No. 122; 1963, No. 122; 1964, No. 26; 1965, No. 99; 1966, No. 77; 1967, No. 99; 1971, No. 116; 1972, No. 88; 1976, No. 28

67. Power of Board to borrow—Section 62 of the principal Act, as inserted by section 5 of the National Provident Fund Amendment Act 1976, is hereby further amended by adding the following paragraph:

25 “(d) With the consent of the Minister, borrow money in New Zealand or elsewhere, with or without security, and issue bonds, notes, and debentures, and mortgage or charge any of its real or personal property.”

*New Zealand Walkways*

68. Sections to be read with New Zealand Walkways Act 1975—This section and the next 2 succeeding sections shall be read together with and deemed part of the New Zealand Walkways Act 1975\* (in those sections referred to as the principal Act).

\*1975, No. 31

Amendment: 1976, No. 110

69. Interpretation—Section 2 of the principal Act is hereby amended—

- (a) By inserting in the definition of the term “administering authority”, after the word “State”, the words “local authority,”:
- (b) By inserting in the definition of the term “private land”, after the words “Any land”, the words “(other than unformed legal road)”.

**70. Walkways over public land**—The principal Act is hereby further amended by repealing section 20, and substituting the following section:

“20. (1) If the Commission, after consultation with the administering authority of any public land, considers that all or part of any public land should be made available for use by the public as a walkway for recreational purposes, it may recommend to the Minister that all or part of the public land be declared a walkway.

“(2) On receiving a recommendation under subsection (1) of this section, the Minister may, with the written consent of the administering authority of the land to which the recommendation relates, by notice in the *Gazette* declare that land to be a walkway, and by the same or a subsequent notice shall assign a distinctive name to the walkway.

“(3) In every case where the land to which the recommendation relates includes unformed legal road, the prior consent of the local authority and every owner of land having a legal frontage or access thereto shall be obtained.

“(4) Where any consent under subsection (3) of this section is obtained subject to conditions as to use of unformed legal road, the Minister shall specify in the notice the conditions under which it may be used.

“(5) A copy of every notice under this section declaring land to be a walkway shall, if it relates to land subject to the Land Transfer Act 1952, be lodged with the District Land Registrar who shall without fee enter the particulars of the notice on every certificate of title, provisional register, or other registered instrument of title which is affected by the notice.

“(6) In this section, unless the context otherwise requires, ‘owner’, in relation to any land, includes any person who is in occupation of the land under any lease, sublease, or licence, or any renewal thereof, granted by the owner of the fee simple, or the lessee, of the land (other than a weekly or monthly tenancy agreement); and also includes a tenant for life of the land and a beneficial owner of the land.”

*Pharmacy*

71. Sections to be read with Pharmacy Act 1970—This section and the next succeeding section shall be read together with and deemed part of the Pharmacy Act 1970\* (in that 5 section referred to as the principal Act).

\*1970, No. 143

Amendments: 1973, No. 85; 1975, No. 97

72. Appeals from decisions of Council—Section 51 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsections:

10 “(2) On receipt of the notice of appeal, the Registrar shall forthwith inform the Minister, who shall thereupon take all steps necessary for the constitution of a Board of Appeal consisting of—

“(a) A Magistrate or barrister appointed by the Minister; and

15 “(b) Two assessors who shall be pharmacists to be appointed, in accordance with regulations made under this Act, to represent respectively the Council and the appellant.

20 “(2A) An appeal under this section shall lapse if, before the appeal is determined, the appellant withdraws his appeal.”

*Private Savings Banks*

73. Sections to be read with Private Savings Banks Act 1964—This section and the next 2 succeeding sections shall 25 be read together with and deemed part of the Private Savings Banks Act 1964\* (in those sections referred to as the principal Act).

\*1964, No. 9

Amendments: 1970, No. 18; 1972, No. 122; 1977, No. 24

74. Money to be available for payment of depositors—Section 15 of the principal Act is hereby amended by adding 30 the following subsection:

35 “(2) Notwithstanding anything in subsection (1) of this section, a private savings bank company may keep less than the amounts specified in that subsection to such extent, for such periods, and subject to such terms and conditions, as may be determined from time to time by the Minister.”

**75. Investments by savings bank company**—Section 17 (7) of the principal Act (as added by section 3 of the Private Savings Banks Amendment Act 1970) is hereby amended by adding the words “; and includes such other securities as may be approved from time to time by the Minister”.

5

*Public Trust Office*

**76. Sections to be read with Public Trust Office Act 1957**—This section and the next succeeding section shall be read together with and deemed part of the Public Trust Office Act 1957\* (in that section referred to as the principal Act).

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\*1957 Reprint, Vol. 12, p. 387

Amendments: 1967, No. 25; 1968, No. 43; 1971, No. 14; 1972, No. 95; 1975, No. 27

**77. Repeal**—Section 102 of the principal Act is hereby repealed.

*Public Works*

**78. Sections to be read with Public Works Act 1928**—This section and the next succeeding section shall be read together with and deemed part of the Public Works Act 1928\* (in that section referred to as the principal Act).

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\*Reprinted, 1975, Vol. 3, p. 2283  
Amendment: 1976, No. 165

**79. Jurisdiction of Administrative Division of Supreme Court**—(1) The principal Act is hereby amended—

(a) By omitting from section 54 (3) the word “Court” in both places where it occurs, and substituting in each case the word “Tribunal”:

(b) By omitting from subsection (6) of section 101H (as inserted by section 4 of the Public Works Amendment Act 1976) the words “the Court, within the meaning of section 48A of this Act,” and substituting the words “the Land Valuation Tribunal”:

(c) By omitting from the said subsection (6) the words “the Court” where they secondly and thirdly occur, and substituting in each case the words “the Tribunal”:

(d) By omitting from section 128 (5) (as amended by section 2 (4) of the Land Valuation Proceedings Amendment Act 1968) the words “the Administrative Division of the Supreme Court”, and substituting the words “the Land Valuation Tribunal”:

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- (e) By omitting from section 221 (4) (as amended by the said section 2 (4)) the words “the Administrative Division of the Supreme Court”, and substituting the words “the Land Valuation Tribunal”:
- 5 (f) By omitting from section 233 (3) (as amended by the said section 2 (4)) the words “the Administrative Division of the Supreme Court”, and substituting the words “the Land Valuation Tribunal”:
- 10 (2) Section 29 (2) of the Finance Act (No. 2) 1936 (as amended by the said section 2 (4)) is hereby amended by omitting from the proviso the words “the Administrative Division of the Supreme Court”, and substituting the words “the Land Valuation Tribunal”.
- 15 (3) Section 4 (11) (c) of the Public Works Amendment Act 1963 (as amended by the said section 2 (4)) is hereby further amended by omitting the words “Administrative Division of the Supreme Court”, and substituting the words “Land Valuation Tribunal”.

*Queen Elizabeth the Second Arts Council of New Zealand*

- 20 **80. Sections to be read with Queen Elizabeth the Second Arts Council of New Zealand Act 1974**—This section and the next 2 succeeding sections shall be read together with and deemed part of the Queen Elizabeth the Second Arts Council of New Zealand Act 1974\* (in those sections
- 25 referred to as the principal Act).

\*1974, No. 67

**81. Grants to Councils**—(1) Section 30 of the principal Act is hereby amended—

- (a) By repealing paragraph (g), and substituting the following paragraph:
- 30 “(g) To receive from the annual regional conference, and from any Community Arts Councils in the region, and from any local arts groups in any part of the region in which no Community Arts Council has been established, any recommendations as to
- 35 the distribution of funds to any such Community Arts Councils and local arts groups:”:
- (b) By inserting, after paragraph (h), the following paragraphs:
- 40 “(ha) Subject to any rules, to make grants and pay subsidies to Community Arts Councils in the region to facilitate the carrying out of their functions under section 33 of this Act:



“(hb) Subject to any rules, to make grants and pay subsidies to local arts groups in the region for the purposes of stimulating the practice and appreciation of the arts:”.

(2) Section 33 (1) of the principal Act is hereby amended by repealing paragraph (d), and substituting the following paragraph: 5

“(d) To make recommendations to the Regional Arts Council as to the priorities for the distribution of funds by the Regional Arts Council in the region:”.

(3) Section 34 of the principal Act is hereby repealed. 10

**82. Designation of administrative local authorities**—The principal Act is hereby further amended by repealing section 36, and substituting the following section: 15

“36. (1) The Minister may from time to time designate as the administrative local authority in respect of each Community Arts Council, for the purposes of this Act, a local authority whose boundaries lie wholly or partly within the area in which that council carries on its activities. 20

“(2) A local authority shall not be designated as an administrative local authority under this section unless it has consented in writing to the designation. 25

“(3) The Minister may from time to time of his own motion revoke the designation of an administrative local authority in respect of a Community Arts Council. 30

“(4) The Minister shall, on the expiration of a period of 3 months after being requested in writing to do so by an administrative local authority, revoke the designation of the administrative local authority in respect of a Community Arts Council. 35

“(5) Every designation or revocation of a designation under this section shall be effected by notice published in the *Gazette*.”

### *Radiation Protection*

**83. Sections to be read with Radiation Protection Act 1965**—This section and the next 2 succeeding sections shall be read together with and deemed part of the Radiation Protection Act 1965\* (in those sections referred to as the principal Act). 35

\*1965, No. 23

Amendments: 1973, No. 89; 1974, No. 116

**84. Radiation Protection Advisory Council**—(1) Section 2 of the principal Act is hereby amended by omitting from subsection (1) the definition of the term “Council”, and substituting the following definition:

5       “‘Council’ means the Radiation Protection Advisory Council constituted under this Act:”.

(2) Section 2 of the principal Act is hereby further amended by omitting from subsection (2) the words “Radiological Advisory Council”, and substituting the words “Radiation Protection Advisory Council”.

10       (3) The principal Act is hereby amended by omitting from subsection (1) of section 5 and from the heading to that section and from the cross heading above that section the words “Radiological Advisory Council”, and substituting in  
15 each case the words “Radiation Protection Advisory Council”.

**85. Chairman of Council**—The principal Act is hereby amended by repealing section 6, and substituting the following section:

20       “6. (1) The Council, at its first meeting held after the 1st day of January 1978, and at its first meeting held after the first day of January in each year thereafter, shall appoint one of its members to be the Chairman of the Council. Any such member may from time to time be reappointed as Chairman of the Council.

25       “(2) The Chairman shall preside at all meetings of the Council at which he is present.

      “(3) The Chairman appointed in each year shall hold office until his successor is appointed, or until he sooner ceases to be a member of the Council.

30       “(4) If the Chairman ceases to be a member of the Council before the expiration of the period for which he has been appointed as Chairman thereof, the Council shall appoint some other member in his stead to be Chairman until the next occasion on which a Chairman is appointed under sub-  
35 section (1) of this section.

      “(5) If at any meeting of the Council the Chairman for the time being is not present or there is no Chairman of the Council, the members present shall appoint one of their number to preside at that meeting. The person so appointed  
40 shall have and may exercise all the powers and functions of the Chairman for the purposes of that meeting.

“(6) The Chairman shall have power to act in all matters, including the appointment of committees under section 8 of this Act, on behalf of the Council when the Council is not meeting:

“Provided that, in any matter that by this Act requires a decision of the Council, he shall so act only if he reasonably considers an urgent decision to be necessary, and he shall first consult at least one other member of the Council, and he shall report to the next meeting of the Council the action that he has taken.”

### *Rating*

**86. Sections to be read with Rating Act 1967**—This section, the next 2 succeeding sections, and the Schedule to this Act shall be read together with and deemed part of the Rating Act 1967\* (in those sections referred to as the principal Act).

\*1967, No. 123

Amendments: 1969, No. 104; 1970, No. 119; 1972, No. 98; 1973, No. 90; 1974, No. 117; 1976, No. 138

**87. Decision of Land Valuation Tribunal**—Section 38 of the principal Act is hereby amended by inserting, before the words “The decision”, the words “Subject to section 26 of the Land Valuation Proceedings Act 1948”.

**88. Registration and release of charges in respect of postponed rates**—(1) Section 96 of the principal Act is hereby amended by repealing subsections (1) to (4), and substituting the following subsections:

“(1) Any rates the payment of which has been, is, or will be postponed under section 93 of this Act pursuant to a decision of the local authority granting an application for postponement shall, on the registration of the certificate specified in subsection (2) of this section, be a charge on the land in respect of which they are payable.

“(2) Where under this Part of this Act a local authority has postponed payment of any rates, it may, without fee, deposit with the District Land Registrar or the Registrar of Deeds, as the case may require, in the land registration district or deeds registration district, as the case may be, in which the land is situated a notice in form 7A in the Second Schedule to this Act under the hand of the Clerk describing the land and stating that the land is subject to a charge on account of postponed rates, and the Registrar shall register that notice accordingly.

“(2A) The registration of one such notice shall be sufficient notification of a charge in respect of all rates the payment of which has been or is postponed pursuant to the decision of the local authority granting the application for postponement or that may be postponed pursuant to that decision subsequent to such registration.

“(3) Except with the consent of the local authority, no dealing with the land by the occupier shall be registered while any charge under this section is registered against the land.

“(4) Where all the rates in respect of which a charge has been registered under this section have been paid to the local authority or have been written off in accordance with section 97 of this Act, the local authority shall cause a release of the charge in form 7B in the Second Schedule to this Act to be registered. Upon the deposit of that release with the District Land Registrar or the Registrar of Deeds, as the case may require, the Registrar shall, without fee, cause the release of the charge to be registered.”

(2) The Second Schedule to the principal Act is hereby amended by inserting, after form 7, the forms 7A and 7B set out in the Schedule to this Act.

(3) Notwithstanding anything in subsections (1) and (2) of this section, subsections (2), (3), and (4) of section 96 of the principal Act (as in force before the commencement of this section) shall continue to apply, as if subsections (1) and (2) of this section had not been enacted, with respect to any charge under section 96 of the principal Act that was registered before the commencement of this section.

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### *Real Estate Agents*

**89. Sections to be read with Real Estate Agents Act 1976**—This section and the next 2 succeeding sections shall be read together with and deemed part of the Real Estate Agents Act 1976\* (in those sections referred to as the principal Act).

\*1976, No. 9

**90. Temporary licence**—(1) Section 32 (1) (a) of the principal Act is hereby amended by inserting, after the words “case of”, the words “a licensee who is”.

(2) Section 32 (1) (e) of the principal Act is hereby amended by omitting the words “as the case may be,—”, and substituting the words “as the case may be; or”.

(3) Section 32 (1) of the principal Act is hereby further amended by adding the following paragraph: 5

“(f) In the case of a licensee who is sick, absent, or is otherwise temporarily prevented from carrying on business as a real estate agent, is his agent,—”.

(4) Section 32 (2) of the principal Act is hereby amended by omitting the words “so authorised”, and substituting the words “authorised under subsection (1) or subsection (7) of this section”. 10

**91. Supervision of business**—Section 54 (1) of the principal Act is hereby amended by omitting the words “a qualified person,”, and substituting the words “eligible to hold a licence,”. 15

#### *Rotorua Town Lands*

**92. Sections to be read with Rotorua Town Lands Act 1920**—This section and the next succeeding section shall be read together with and deemed part of the Rotorua Town Lands Act 1920\* (in that section referred to as the principal Act). 20

\*1920, No. 57, p. 416

**93. Appeal from valuations**—(1) Section 4 (2) of the principal Act is hereby amended by adding the following proviso: 25

“Provided that the lessee shall have the same right of objection to a valuation made pursuant to subsection (1) of this section as he would have in respect of a valuation made under the Valuation of Land Act 1951; and where, pursuant to any such objection, the Administrative Division of the Supreme Court has determined a new value for the capital value of or improvements on the land or both, the present unimproved value shall be calculated accordingly.” 30

(2) Section 49 of the Finance Act 1922 is hereby consequentially repealed. 35

#### *Shipping and Seamen*

**94. Sections to be read with Shipping and Seaman Act 1952**—This section and the next 2 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).

\*Reprinted, 1965, Vol. 3, p. 1631

Amendments: 1966, No. 84; 1967, No. 119; 1968, No. 55; 1969, Nos. 4, 25; 1970, No. 141; 1972, No. 24; 1975, No. 29; 1976, No. 119

- 95. Duration of certificate**—(1) The principal Act is here-  
 5 by amended by repealing section 224 (as amended by section  
 44 of the Shipping and Seamen Amendment Act 1959 and  
 section 14 of the Shipping and Seamen Amendment Act (No.  
 2) 1970), and substituting the following section:
- “224. (1) A certificate of survey (other than a certificate  
 10 of survey in respect of a fishing boat), a safety certificate, a  
 radio certificate, or a radio exemption certificate shall be  
 in force for a period not exceeding 1 year from the date of  
 its issue.
- “ (2) A safety equipment certificate in respect of a New  
 15 Zealand ship (whether issued in New Zealand or elsewhere)  
 shall be in force for a period not exceeding 1 year from  
 the date of its issue, and a safety equipment certificate in  
 respect of any other ship shall be in force for a period not  
 exceeding 2 years from the date of its issue.
- 20 “ (3) A cargo ship safety construction certificate shall be  
 in force for a period not exceeding 5 years from the date of  
 its issue.
- “ (4) Subject to section 224A of this Act, a certificate of  
 survey in respect of a fishing boat shall be in force for a  
 25 period not exceeding 4 years from the date of its issue.
- “ (5) Notwithstanding anything in subsections (1) to (4)  
 of this section, no certificate referred to therein shall be in  
 force for a longer period than that specified in the certificate  
 or shall remain in force after notice is given by the Secretary  
 30 to the owner or his agent or the master of the ship in respect  
 of which it has been issued that the Minister has cancelled  
 the certificate.
- “ (6) An exemption certificate, other than a radio  
 exemption certificate, shall be in force for the same period  
 35 as the corresponding qualified certificate.”
- (2) The following enactments are hereby consequentially  
 repealed:
- (a) Section 44 of the Shipping and Seamen Amendment  
 Act 1959:
- 40 (b) Section 14 of the Shipping and Seamen Amendment  
 Act (No. 2) 1970.

**96. Cancellation of certificate of survey of fishing boat—**

(1) Section 224A of the principal Act (as inserted by section 9 of the Shipping and Seamen Amendment Act 1969) is hereby amended by repealing subsection (1), and substituting the following subsection: 5

“(1) Without limiting section 224 (5) of this Act, a certificate of survey in respect of a fishing boat shall be deemed to be cancelled if—

“(a) The boat is registered as a fishing boat under Part I of the Fisheries Amendment Act 1963 and that registration is cancelled under that Part or suspended under section 8 of that Act; or 10

“(b) The boat is not surveyed in accordance with this Act during each of the following periods:

“(i) The period commencing 1 month before, and ending 2 months after, the first anniversary of the date of completion of the survey leading to the issue of the certificate: 15

“(ii) The period commencing 1 month before, and ending 2 months after, the second anniversary of that date: 20

“(iii) The period commencing 1 month before, and ending 2 months after, the third anniversary of that date; or

“(c) A Surveyor notifies the owner of the boat that, as a result of a survey of the boat, he is of the opinion that the boat does not comply with the requirements of this Part of this Act.” 25

(2) Section 224A (3) of the principal Act (as so substituted) is hereby amended by omitting the words “subsection (1)”, and substituting the words “subsection (1) (a)”. 30

*Swamp Drainage***97. Sections to be read with Swamp Drainage Act 1915—**

This section and the next 2 succeeding sections shall be read together with and deemed part of the Swamp Drainage Act 1915\*. 35

\*Reprinted 1957, Vol. 15, p. 501

**98. Special provisions with respect to Waihi Drainage Area—**

(1) Section 4 of the Swamp Drainage Amendment Act 1926 is hereby amended by adding the following subsection: 40

“(6) Notwithstanding the foregoing provisions of this section, it is hereby declared that the capital expenditure chargeable against the Waihi Drainage Area pursuant to this section was, from the 31st day of March 1929, £62,500, instead of the amount that would otherwise then have been so chargeable.”

(2) Section 26 of the Finance Act 1929 is hereby consequentially repealed.

**99. Special provisions with respect to Kaitaia Drainage Area**—(1) Section 5 of the Swamp Drainage Amendment Act 1926 is hereby amended by adding the following subsection:

“(5) Notwithstanding the foregoing provisions of this section, it is hereby declared that the capital amounts chargeable against the Kaitaia Town District Subdivision of the Kaitaia Drainage Area and the residue of the Kaitaia Drainage Area were, from the 1st day of April 1930, the sums of £8,200 and £60,000 respectively, instead of the amounts that would otherwise then have been so chargeable.”

(2) The following enactments are hereby consequentially repealed:

(a) Sections 44 and 45 of the Finance Act 1930 (No. 2):

(b) Section 10 of the Finance Act (No. 2) 1943.

*Tourist and Health Resorts Control*

**100. Sections to be read with Tourist and Health Resorts Control Act 1908**—This section and the next succeeding section shall be read together with and deemed part of the Tourist and Health Resorts Control Act 1908\* (in that section referred to as the principal Act).

\*1957 Reprint, Vol 15, p. 653

**101. Minister may grant use of reserve for sports, and regulate games, etc.**—(1) Section 9 of the principal Act is hereby amended by adding the following paragraph:

“(f) Notwithstanding section 184 (2) (n) of the Land Act 1948, fix fees and charges for all or any of the following matters:

“(i) The use of any bath on any reserve administered under this Act:

“(ii) The playing of any game on any such reserve:



“(iii) Board and accommodation provided at any hostel on any such reserve:

“(iv) Admission of persons and vehicles to any such reserve:

“(v) The services of guides and the use of any equipment supplied by the Minister for use by visitors to any such reserve: 5

“(vi) The hire of launches under the control of the Minister.”

(2) The following enactments are hereby consequentially repealed: 10

(a) Section 17 of the Finance Act 1926:

(b) Section 33 of the Finance Act 1930 (No. 2).

*Treaty of Waitangi*

**102. Sections to be read with Treaty of Waitangi Act 1975—** 15

This section and the next succeeding section shall be read together with and deemed part of the Treaty of Waitangi Act 1975\* (in that section referred to as the principal Act).

\*1975, No. 114

**103. Waitangi Tribunal—**Section 4 (5) of the principal Act is hereby amended by omitting the words “Maori Affairs”, 20 and substituting the word “Justice”.

*Trustee*

**104. Sections to be read with Trustee Act 1956—**This section and the next succeeding section shall be read together with and deemed part of the Trustee Act 1956\* (in that 25 section referred to as the principal Act).

\*Reprinted 1968, Vol. 4, p. 3279  
Amendments: 1969, No. 110; 1974, No. 15

**105. Authorised investments—**Section 4 of the principal Act, as amended by section 3 of the Trustee Amendment Act 1974, is hereby further amended by inserting, after subsection (1b), the following subsection: 30

“(1bA) For the purposes of subsection (1c) of this section a company shall be deemed to have paid the requisite dividend on all its ordinary stocks and shares in any financial year of the company, whether ending before or after the commencement of that subsection, if in that financial year 35 the total of the dividends (if any) paid by the company and

the amounts (if any) paid by the company from its share premium account or other capital assets in respect thereof is at least equal to the amount of the requisite dividend:

5 “Provided that, for the purposes of this subsection, account shall not be taken of any amount paid in respect of any such stocks or shares in that financial year by the company from its share premium account or other capital assets so far as it is in excess of amounts transferred by the company in that financial year from revenue reserves or profits to a capital  
10 replacement fund (however described) that is not available to holders of stock or shares otherwise than in pursuance of a reduction of the capital of the company duly authorised by the Court or in paying up unissued shares of the company to be issued to members of the company as fully paid bonus  
15 shares.”

*Trustee Savings Banks*

**106. Sections to be read with the Trustee Savings Banks Act 1948**—This section and the next 2 succeeding sections shall be read together with and deemed part of the Trustee  
20 Savings Banks Act 1948\* (in those sections referred to as the principal Act).

\*Reprinted 1973, Vol. 2, p. 1663

Amendments: 1975, No. 23; 1976, No. 27; 1977, No. 23

**107. Accounts at other banks**—(1) The principal Act is hereby amended by repealing sections 20 and 21, and substituting the following section:

25 “20. (1) Every trustee savings bank may open with the Reserve Bank of New Zealand, any trading bank, any trustee savings bank, any private savings bank established under the Private Savings Banks Act 1964, or the Post Office Savings Bank, such accounts as the Board considers necessary for  
30 the conduct of its business.

“(2) Such accounts shall—

35 “(a) In the case of ordinary accounts, be operated on by cheque signed by 2 officers of the bank for the time being authorised by the Board in that behalf and, if the Board so requires, countersigned by 1 of the trustees:

40 “(b) In the case of imprest accounts, be operated on by cheque signed by an officer or officers of the bank for the time being authorised by the Board in that behalf:

“(c) In the case of clearing accounts established to effect interbank settlements, in such other manner as the Board considers necessary to give effect to any agreement in relation to such settlements.”

(2) Section 4 of the Trustee Savings Banks Amendment Act 1975 is hereby consequentially repealed. 5

**108. Power to invest money—**(1) Section 24 (2) of the principal Act is hereby amended by adding the words “; and includes such other securities as may be approved from time to time by the Minister”. 10

(2) The said section 24 is hereby further amended by adding the following subsection:

“(7) Notwithstanding anything in subsection (5) or subsection (6) of this section—

“(a) Subject to such conditions as may be determined from time to time by the Minister, it shall be lawful for a savings bank to invest money on a mortgage of an estate or interest in a cross-lease residential unit that is a self-contained residential unit together with the appurtenances thereto (being a unit which is one of a number of units erected on land held in common ownership), the title to which comprises— 15 20

“(i) An undivided share as tenant in common in the fee simple estate in the land on which the residential units are erected where all shares in the fee simple estate are held by lessees of the units and the land is used solely for residential purposes; and 25

“(ii) A lease of a specified residential unit erected on the land shown on a plan deposited in the office of the District Land Registrar for lease or licence purposes, which lease provides for an unexpired term of not less than 99 years and for the payment of a nominal rental only: 30 35

“(b) Any money invested by a savings bank under this subsection shall—

“(i) In the case of a first mortgage, not exceed three-quarters of the value of the estate or interest mortgaged as assessed by a person whom the bank reasonably believes to be competent to make the assessment, or such higher proportion of that value (as so assessed) as may from time to time be fixed by the Minister subject to such conditions as he thinks fit to specify: 40 45

5 “(ii) In the case of a second mortgage, not exceed the difference between three-quarters of the value of the estate or interest mortgaged (as so assessed) and the principal outstanding under the first mortgage, or such higher proportion of that value (as so assessed) as may from time to time be fixed by the Minister subject to such conditions as he thinks fit to specify.”

*University of Auckland*

10 **109. Sections to be read with University of Auckland Act 1961**—This section and the next succeeding section shall be read together with and deemed part of the University of Auckland Act 1961\* (in that section referred to as the principal Act).

\*1961, No. 50

Amendments: 1966, No. 11; 1970, No. 105; 1977, No. 36

15 **110. Employees as Council members**—(1) Section 9 (1) of the principal Act is hereby amended by omitting from the second proviso the words “such amount as the Minister of Education from time to time determines”, and substituting  
20 time to time determines; and the Minister may determine different amounts in respect of different classes of person”.

(2) So much of the First Schedule to the University of Albany Amendment Act 1973 as relates to the said section 9 (1) is hereby consequentially repealed.

25

*University of Otago*

**111. Sections to be read with University of Otago Amendment Act 1961**—This section and the next succeeding section shall be read together with and deemed part of the University of Otago Amendment Act 1961\* (in that section  
30 referred to as the principal Act).

\*1961, No. 48

Amendments: 1966, No. 12; 1969, No. 111; 1970, No. 107; 1977, No. 42

**112. Employees as Council members**—(1) Section 8 (1) of the principal Act is hereby amended by omitting from the second proviso the words “such amount as the Minister of Education from time to time determines”, and substituting

the words "such amount as the Minister of Education from time to time determines; and the Minister may determine different amounts in respect of different classes of person".

(2) So much of the First Schedule to the University of Albany Amendment Act 1973 as relates to the said section 8 (1) is hereby consequentially repealed. 5

### *Valuers*

**113. Sections to be read with Valuers Act 1948**—This section and the next 2 succeeding sections shall be read together with and deemed part of the Valuers Act 1948\* 10 (in those sections referred to as the principal Act).

\*1957 Reprint, Vol. 16, p. 349

Amendments: 1959, No. 7; 1968, No. 115; 1970, No. 109; 1974, No. 127

### **114. Disciplinary powers of Valuers Registration Board—**

(1) Section 32 (1) of the principal Act is hereby amended by adding the following proviso:

"Provided that the Council of the Institute may appoint a 15 person to investigate and report in writing to the Board on a complaint that a registered valuer has been guilty of an act or default specified in subsection (1) (c) of that section, and if it does so the Valuer-General shall not investigate the complaint and report thereon to the Board." 20

(2) Section 32 of the principal Act is hereby amended—

(a) By inserting in subsection (4), after the words "The Valuer-General", the words "or, as the case may be, the person appointed under the proviso to subsection (1) of this section to investigate the 25 complaint":

(b) By inserting in subsection (5), after the words "prosecuted by the Institute", the words "or is investigated by a person appointed by the Council of the Institute under the proviso to subsection (1) of this 30 section".

(3) Section 33 (1) of the principal Act (as amended by section 7 of the Decimal Currency Act 1964) is hereby further amended by omitting the words "impose a penalty on the valuer not exceeding twenty dollars, and may in addition to 35 or in lieu of", and substituting the words "reprimand the valuer or impose a penalty on him not exceeding \$500, or may both reprimand him and impose such a penalty, and may in addition to or in lieu of reprimanding him or".

**115. Penalties for offences**—The principal Act is hereby further amended—

- 5 (a) By omitting from section 43 (as amended by section 7 of the Decimal Currency Act 1964) the words “one hundred dollars”, and substituting the expression “\$500”:
- (b) By omitting from section 43 (as amended by the said section 7) the words “ten dollars”, and substituting the expression “\$50”:
- 10 (c) By omitting from section 44 (1) (i) (as amended by the said section 7) the words “one hundred dollars”, and substituting the expression “\$500”.

*Weights and Measures*

**116. Sections to be read with Weights and Measures Act 15 1925**—This section and the next 2 succeeding sections shall be read together with and deemed part of the Weights and Measures Act 1925\* (in those sections referred to as the principal Act).

\*1957 Reprint, Vol. 16, p. 631

Amendments: 1968, No. 118; 1969, No. 115; 1971, No. 139; 1972, No. 115; 1976, No. 162

**117. Weighing and measuring of goods sold by retail**—The 20 principal Act is hereby amended by repealing section 20, and substituting the following section:

“20. (1) Where any person offers or exposes any goods for sale by retail by weight or measure in a shop or other place, or in any vehicle, pack, basket, or other receptacle, 25 he shall—

“(a) At the request of a purchaser to whom any such goods are sold as being of a given weight or measure, or of an Inspector, weigh or measure them in the presence of the purchaser; and

30 “(b) Subject to subsection (2) of this section, have in a convenient place, in the shop, place, or vehicle, a suitable weighing instrument or measure, with the necessary weights for weighing such goods, which convenient place shall be a place—

35 “(i) To which the purchaser has or may be given access; and

“(ii) That is, where the goods are not pre-packaged when offered or exposed for sale, capable of being easily seen by the purchaser at the 40 time of purchase.

“(2) Subsection (1) (b) of this section shall not apply where—

“(a) The only business carried on in the shop, place, or vehicle in which the goods are offered or exposed for sale is a business that is wholly or predominantly that of— 5

“(i) A tobacconist; or

“(ii) A barber or hairdresser; or

“(iii) A dairy or milk-bar; or

“(iv) A restaurant; or 10

“(v) A garage or service station; or

“(vi) A roadside seller of fruit or vegetables or both; or

“(vii) A seller of cake or bread or both; or

“(viii) A hardware store; or 15

“(ix) A business combining any two or more of the kinds of businesses mentioned in sub-paragraphs (i) to (viii) of this paragraph; and

“(b) The goods offered or exposed for sale are all pre-packaged; and 20

“(c) No prepacking is carried out in the shop, place, or vehicle.

“(3) The weighing or measuring required by subsection (1) (a) of this section shall be carried out—

“(a) In any case where there is a suitable weighing or measuring instrument or measure in the shop, place, or vehicle, forthwith; and 25

“(b) In any other case, as soon as practicable having regard to the time and place at which the request of the purchaser is made. 30

“(4) Every person commits an offence who contravenes any provision of this section or refuses or fails to comply, in accordance with this section, with any request, made under subsection (1) (a) of this section, to weigh or measure any goods.” 35

**118. Use of metric and Imperial denominations for the purposes of sale by retail**—Section 4 of the Weights and Measures Amendment Act 1976 is hereby amended by adding the following subsection:

“(3) It shall not be an offence against subsection (1) of 40 this section for any person to use any denomination of an Imperial weight or measure in advertising, displaying, or

exposing, for sale by retail, any goods or class of goods in respect of which any regulations made under section 3 (1) (c) of this Act are in force if—

- 5 “(a) The Imperial denomination is additional to one or more of the weights or measures of the metric system; and
- “(b) The type or letters used to show the metric denomination is at least twice the size of the type or letters used to show the Imperial denomination; and
- 10 “(c) The Imperial denomination is not given greater prominence than the metric denomination; and
- “(d) The use of the Imperial denomination takes place before the 30th day of June 1979 or such later date as may be appointed for the purposes of this paragraph by the Governor-General by
- 15 Order in Council.”

*Wheat Board*

20 **119. Sections to be read with Wheat Board Act 1965**—This section and the next succeeding section shall be read together with and deemed part of the Wheat Board Act 1965\* (in that section referred to as the principal Act).

\*1965, No. 60

Amendments: 1969, No. 116; 1970, No. 112; 1976, No. 130

25 **120. Membership of Board**—Section 4 (c) of the principal Act is hereby amended by omitting the word “Treasury”, and substituting the words “Ministry of Agriculture and Fisheries”.



Section 86

## SCHEDULE

Section 96 (2)

"Form 7A

## NOTICE OF LAND CHARGE FOR POSTPONED RATES

To the District Land Registrar,  
(or Registrar of Deeds)

..... Land Registration District (or Deeds Registration District)

TAKE notice that the land hereinafter described is subject to a charge on account of the total amount of rates from time to time payable to the [Name of local authority] the payment of which has been postponed by the local authority pursuant to section 93 of the Rating Act 1967, and that you are hereby directed and required to register the charge pursuant to section 96 of that Act.

## DESCRIPTION OF LAND AFFECTED BY CHARGE

Name of Proprietor:  
Situation:  
Area:

Description by reference to Section number, etc:

[If under Land Transfer Act] Reference to certificate of title:  
Vol. fol.

Dated at this day of 19 .

.....  
Clerk [or other principal executive officer] of  
the [Name of local authority]

NOTE—A plan of the land affected must be endorsed if the land is not under the Land Transfer Act, or, where the land is under that Act, if portion only of the land included in a certificate of title is affected by the charge.

RELEASE OF REGISTERED LAND CHARGE FOR POSTPONED RATES

To the District Land Registrar,  
(or Registrar of Deeds)

..... Land Registration District (or Deeds Registration District)

I HEREBY certify that the land charge hereinafter referred to has been satisfied, and you are hereby required and directed to register a release of the same accordingly.

DESCRIPTION OF LAND AFFECTED AND REFERENCE TO CHARGE

Name of Proprietor:

Situation:

Area:

Description by reference to Section number, etc.:

[If under Land Transfer Act] Reference to certificate of title:

Vol. fol. .

Description of Charge:

[Insert particulars as to registered number, etc., sufficient to identify the charge]

Dated at this day of 19 .

.....  
Clerk [or other principal executive officer]  
of the [Name of local authority in whose  
favour the charge was created]"