

Hon. Mr. Pitt.

STATUTE LAW AMENDMENT.

ANALYSIS.

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<i>"The Hospitals and Charitable Institutions Act, 1885."</i>	<i>"The Marriage Act, 1904."</i>
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9. Where compensation for land taken by the Crown to be paid.	<i>Acts relating to the Customs.</i>
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A BILL INTITULED

AN ACT to give Effect to certain Recommendations made by the Reprint of Statutes Commission with respect to the Statute Law.

Title.

Preamble.

5 WHEREAS the Commissioners appointed under "The Reprint of Statutes Act, 1895," in their *ad interim* report to the Governor dated the twenty-third day of August, one thousand nine hundred and six, have recommended that certain alterations be made in various Acts, and it is desirable to give effect to such recommendations to the intent that the alterations may be included in the statutes now in course of preparation by the Commission :

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

Short Title.

1. The Short Title of this Act is “The Statute Law Amendment Act, 1906.”

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“*The Adoption of Children Act, 1895.*”

Marriage law not affected.

2. Nothing in “The Adoption of Children Act, 1895,” shall be construed to authorise any marriage that could not lawfully have been contracted if the Act had not been passed.

On discharge of order rights and responsibilities of natural parent revive.

3. Where an order of adoption is discharged under section nine of the last-mentioned Act, then, subject to the conditions (if any) named in the discharging order, the child and its natural parents shall be deemed for all purposes to be restored to the same position *inter se* as existed immediately before the order of adoption was made :

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Provided that such restoration shall not affect anything lawfully done whilst the order of adoption was in force.

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“*The Companies Act, 1903.*”

Section 3 of “The Companies Act, 1903,” amended.

4. Section three of “The Companies Act, 1903,” is hereby amended by inserting after the words “Part VIII” the words “and also of the provisions relating to branch registers.”

“*The Electoral Act, 1905.*”

“The Electoral Act, 1905,” amended.

5. (1.) The definition of “corrupt practice” in section two of “The Electoral Act, 1905,” is hereby amended by substituting the words “the law of Parliament” for the words “the statute law of New Zealand.”

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(2.) Sections two hundred and fourteen to two hundred and eighteen of the same Act shall extend and apply in every case where proceedings are taken against any person for a corrupt practice at any election, whether or not an election petition has been presented in respect of that election.

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(3.) Part VI of the same Act shall not apply to anything under Part V of that Act.

“*The Hospitals and Charitable Institutions Act, 1885.*”

Hospitals and Charitable Institutions Act amended.

6. (1.) For the purposes of section five of “The Hospitals and Charitable Institutions Act, 1885,” a borough which is not itself contiguous to a county shall be deemed to be contiguous thereto when it is contiguous to another borough which is itself contiguous to such county.

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(2.) This provision shall be deemed to have had effect from the date of the passing of that Act.

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“*The Interpretation Act, 1888.*”

Interpretation Act amended.

7. Section twenty-one of “The Interpretation Act, 1888,” is hereby amended by adding thereto the following paragraph:—

“(4A.) The repeal of an Act shall not revive anything not in force or existing at the time when the repeal takes effect.”

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*"The Land Transfer Act, 1885," and "The Property Law Act, 1905."*

8. Whereas "The Property Law Act, 1905," applies to land under "The Land Transfer Act, 1885," but (pursuant to section one hundred and twenty-two) its provisions are to be read and construed so as not to conflict with those of the last-mentioned Act as regards such land: And whereas in some cases the provisions of the one Act differ slightly in form and effect from the corresponding provisions of the other, and it is expedient to remove such differences: Be it therefore enacted that the following provisions shall be deemed to have had effect as on and from the coming into operation of "The Property Law Act, 1905":—

Application of provisions of Property Law Act to Land Transfer Acts.

(a.) The provisions of the Land Transfer Acts specified in the first column of the Schedule hereto are deemed to be superseded by the corresponding provisions of "The Property Law Act, 1905," specified in the second column of that Schedule, subject, however, to the exemptions and modifications specified in the said first column.

(b.) Compliance heretofore made with any such provision in the one Act shall be deemed to have been and to be sufficient compliance with the corresponding provision in the other Act:

Provided that in every case of a sale by a mortgagee through the Registrar the stamp duty payable on the transfer shall not be less than it would have been if the provisions of sections seventy-eight and eighty of "The Property Law Act, 1905," had been actually complied with, and any deficiency of stamp duty shall be payable accordingly, but without fine if the deficiency is paid within three months after the passing of this Act.

*"The Public Works Act, 1905," and "The Land for Settlements Consolidation Act, 1900."*

9. Where land is taken or otherwise acquired by the Crown under "The Public Works Act, 1905," or "The Land for Settlements Consolidation Act, 1900," then, in the absence of any order of the Compensation Court or agreement of the parties to the contrary, the place of payment of the compensation or purchase money for the land shall be such office of the bank at which the Public Account is kept as is situate nearest to the residence of the claimant if he resides in New Zealand, and the Treasury, at Wellington, if he does not reside in or is absent from New Zealand.

Where compensation for land taken by the Crown to be paid.

*"The Testator's Family Maintenance Act, 1900."*

10. In making an order under section two of "The Testator's Family Maintenance Act, 1900," the Court may, if it thinks fit, order that the provision mentioned in that section may consist of a lump sum or a periodical or other payment, to be made out of the estate generally or any specified part of the estate, and for that purpose may direct an abatement or alteration of the shares of all or any of the beneficiaries under the will, in such manner and to such extent as the Court thinks fit.

Payment of lump sum may be ordered.

*"The Workers' Compensation for Accidents Act, 1900."*

Section 10 of  
Workers'  
Compensation for  
Accidents Act  
amended.

11. Section ten of "The Workers' Compensation for Accidents Act, 1900," is hereby amended by repealing all the words after the word "costs," and substituting in lieu thereof the following sub-section:—

"(2.) The Registrar or Clerk of the adjudicating Court shall file with the Clerk of Awards an office copy of the certificate, and thereupon the certificate shall for all purposes be deemed to be an award of the Arbitration Court, and that Court shall have jurisdiction accordingly."

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*Rules of Court.*

Power to make  
rules of Court.

12. Where in any Act power to make rules or regulations is given to the Judges of the Supreme Court or any of them, such power shall hereafter be exercised by any three or more of the Judges, of whom the Chief Justice shall be one, and all such rules and regulations shall be subject to the approval of the Governor in Council.

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*"The Marriage Act, 1904."*

Section 20 of  
Marriage Act  
amended.

13. Section twenty of "The Marriage Act, 1904," is hereby amended by repealing the words "in case any such guardian."

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*"The Stamp Act, 1882."*

Commissioner of  
Stamps.

14. (1.) There shall be a Commissioner of Stamps appointed from time to time by the Governor in Council, who, under the direction of the Minister of Stamp Duties, shall have the chief control of all matters relating to stamp duties imposed by "The Stamp Act, 1882."

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(2.) The Secretary for Stamps in office on the coming into operation of this Act shall be deemed to be the Commissioner of Stamps under this Act, and thereupon the office of Secretary shall be deemed to be abolished.

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References to  
Commissioner  
amended.

15. (1.) In the construction of "The Stamp Act, 1882," and all other Acts and instruments now in force, references to the Commissioner of Stamp Duties shall hereafter be deemed to be references to the Minister of Stamp Duties, references to the Secretary of Stamps shall hereafter be deemed to be references to the Commissioner under this Act, and references to a Deputy Commissioner shall hereafter include the Commissioner under this Act.

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(2.) Section eight of "The Stamp Act, 1882," is hereby repealed.

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Costs of appeals.

16. In every appeal under section fifty-five of "The Stamp Act, 1882," the costs of the appeal shall be in the discretion of the Court, having regard to the extent to which the Minister's assessment exceeds the amount admitted by the appellant before the appeal was commenced, and the extent to which the Minister's assessment is sustained or otherwise; and that section is hereby modified accordingly.

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*Acts relating to the Customs.*

17. In the construction of the Acts relating to the Customs, and of all other Acts and instruments now in force, references to the Commissioner of Trade and Customs shall hereafter be deemed to be  
5 references to the Minister of Customs.

Minister of Customs.

*Acts relating to Telegraph-lines.*

18. In the construction of the Acts relating to telegraph-lines, and of all other Acts and instruments now in force, references to the Commissioner of Telegraphs or Electric Telegraphic Commissioner  
10 shall hereafter be deemed to be references to the Minister of Telegraphs.

Minister of Telegraphs.

SCHEDULE.

Schedule.

THE LAND TRANSFER ACTS.

1. SECTIONS 103 to 106 of "The Land Transfer Act, 1885" (relating to sales by mortgagees through the Registrar of the Supreme Court).

"THE PROPERTY LAW ACT, 1905."  
Sections 78 to 82,—subsection (4) of section 80 being omitted, the term "transfer" being substituted for "deed of conveyance" "deed" and "conveyance," and the term "Registrar" being construed to mean the Registrar or Deputy Registrar of the Supreme Court.

2. Portion of section 109 of "The Land Transfer Act, 1885" (relating to absent mortgagees)—viz., from the beginning of the section down to and including the words "cease to run or accrue."

Section 75.

Moreover, the remainder of the section is consequentially amended by substituting "Public Trustee" for "Colonial Treasurer."

3. Section 169 of "The Land Transfer Act, 1885," and section 12 of "The Land Transfer Act Amendment Act, 1888" (relating to verification of instruments).

Section 117.

4. Second Schedule to "The Land Transfer Amendment Act, 1902" (containing covenants, powers, and conditions implied in mortgages): save that the reference in the seventh covenant to the incidental powers conferred upon mortgagees by "The Land Transfer Act, 1885," is retained.

Third Schedule.

By Authority: JOHN MACKAY, Government Printer, Wellington. - 1906.