

Reprint
as at 3 June 2017



Finance Act 1941

Public Act	1941 No 4
Date of assent	27 August 1941
Commencement	27 August 1941

Finance Act 1941: repealed, on 3 June 2017, by section 3(1) of the Statutes Repeal Act 2017 (2017 No 23).

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Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

This Act is administered by the Treasury.

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An Act to make provision with respect to public finance and other matters

1 Short Title

This Act may be cited as the Finance Act 1941.

Part 1

Public revenues and loans

2 Increasing borrowing powers in respect of war expenses

[Repealed]

Section 2: repealed, on 13 July 1942, by section 2(2) of the War Expenses Amendment Act 1942 (1942 No 8).

3 Empowering Minister of Finance to borrow £1,000,000 for electric power works

[Repealed]

Section 3: repealed, on 1 January 1954, by section 73(1) of the New Zealand Loans Act 1953 (1953 No 74).

4 Increase of borrowing powers in respect of State coalmines

[Repealed]

Section 4: repealed, on 1 January 1954, by section 73(1) of the New Zealand Loans Act 1953 (1953 No 74).

5 Authorising issue of stock certificates for multiples of £5

[Repealed]

Section 5: repealed, on 1 January 1954, by section 73(1) of the New Zealand Loans Act 1953 (1953 No 74).

6 Additional revenue to be paid into War Expenses Account

In addition to all other moneys payable into the War Expenses Account established under section 2 of the War Expenses Act 1939 there shall, without further authority than this section, be credited to that account three twenty-thirds of the revenue received from income tax at any time during the financial year ending on 31 March 1942, whether before or after the passing of this Act.

7 Authorising payment of additional subsidies from Consolidated Fund into several superannuation funds

[Repealed]

Section 7: repealed, on 26 October 1942, by section 3(4) of the Finance Act (No 2) 1942 (1942 No 14).

8 Responsible Ministry may make advances by way of loan on account of goods of a kind that the Ministry is authorised to purchase

[Repealed]

Section 8: repealed, on 1 August 2003, by section 12(2) of the Hop Industry Restructuring Act 2003 (2003 No 16).

9 Authorising payment of harbour dues out of Housing Account

[Repealed]

Section 9: repealed, on 29 April 1999, by section 10 of the Local Government Amendment Act (No 2) 1999 (1999 No 24).

10 Validating a certain payment to Napier Harbour Board in connection with Napier housing scheme

Notwithstanding anything to the contrary in section 92 of the Public Works Act 1928 the payment by the Crown direct to the Napier Harbour Board of the sum of 1,939 pounds 7 shillings and 9 pence, being interest due and payable in respect of the compensation awarded for the taking by the Crown of the land described in section 34 of the Local Legislation Act 1939, is hereby validated.

11 Exemption from stamp duty of receipts for travelling allowances

[Repealed]

Section 11: repealed (with effect on 8 August 1952), on 16 October 1952, by section 2(2) of the Stamp Duties Amendment Act 1952 (1952 No 22).

12 Increasing annual licence duty payable by agents of foreign insurers

[Repealed]

Section 12: repealed, on 1 December 1952, by section 14(1) of the Companies Amendment Act 1952 (1952 No 66).

13 Amending definition of foreign insurance company

[Repealed]

Section 13: repealed, on 1 December 1952, by section 14(1) of the Companies Amendment Act 1952 (1952 No 66).

14 Elections by contributors to superannuation funds to accept reduced pensions in order to make provision for dependants not to be taken into account for purposes of gift duty or stamp duty

[Repealed]

Section 14: repealed (with effect on 21 July 1955), on 28 October 1955, by section 89(1) of the Estate and Gift Duties Act 1955 (1955 No 105).

15 Allowances may be declared to be pay or salary for superannuation purposes

[Repealed]

Section 15: repealed, on 1 April 1948, by section 91(1) of the Superannuation Act 1947 (1947 No 57).

16 Regulations prescribing rates of remuneration for married training college students and for certain classes of married teachers may operate from 1 October 1940

[Repealed]

Section 16: repealed, on 15 October 1965, by section 204(1) of the Education Act 1964 (1964 No 135).

17 Increasing rate of allowances under War Veterans' Allowances Act 1935

[Repealed]

Section 17: repealed (with effect on 1 July 1943), on 26 August 1943, by section 83(1) of the War Pensions Act 1943 (1943 No 22).

**Part 2
Social security**

[Repealed]

Part 2: repealed, on 1 April 1965, by section 135(1) of the Social Security Act 1964 (1964 No 136).

18 This Part to be read with Social Security Act 1938

[Repealed]

Section 18: repealed, on 1 April 1965, by section 135(1) of the Social Security Act 1964 (1964 No 136).

19 Commencement of next 4 sections

[Repealed]

Section 19: repealed, on 1 April 1965, by section 135(1) of the Social Security Act 1964 (1964 No 136).

20 Increasing rates of age benefits in respect of wife and children

[Repealed]

Section 20: repealed, on 1 April 1965, by section 135(1) of the Social Security Act 1964 (1964 No 136).

21 Family benefits to be payable in respect of first child

[Repealed]

Section 21: repealed, on 1 April 1965, by section 135(1) of the Social Security Act 1964 (1964 No 136).

22 Increasing maximum rate of invalids' benefits

[Repealed]

Section 22: repealed, on 1 April 1965, by section 135(1) of the Social Security Act 1964 (1964 No 136).

23 Increasing rate of sickness benefits in respect of children

[Repealed]

Section 23: repealed, on 1 April 1965, by section 135(1) of the Social Security Act 1964 (1964 No 136).

24 Collection of social security charge and national security tax from trustees

[Repealed]

Section 24: repealed, on 1 April 1965, by section 135(1) of the Social Security Act 1964 (1964 No 136).

25 Valuation of farmers' livestock at beginning of year ended 31 March 1940

[Repealed]

Section 25: repealed, on 1 April 1965, by section 135(1) of the Social Security Act 1964 (1964 No 136).

Part 3

Local authorities and public bodies

26 Liability for rates on properties acquired by Crown

[Repealed]

Section 26: repealed, on 1 April 1968, by section 177(1) of the Rating Act 1967 (1967 No 123).

27 Crown not liable for rates in respect of improvements made for war purposes

[Repealed]

Section 27: repealed, on 1 April 1968, by section 177(1) of the Rating Act 1967 (1967 No 123).

28 Governor-General may authorise investment of loan moneys in Government securities

[Repealed]

Section 28: repealed, on 1 April 1957, by section 135(1) of the Local Authorities Loans Act 1956 (1956 No 63).

29 Extension of existing sinking funds to repayment loans

[Repealed]

Section 29: repealed, on 1 April 1957, by section 135(1) of the Local Authorities Loans Act 1956 (1956 No 63).

30 Local authorities may act as one another's agents in collection of moneys

- (1) It shall be lawful for any local authority or public body to be employed by any other local authority or public body as its agent to collect any moneys.
- (2) All moneys so collected by any local authority or public body shall be held by it as trustee for the local authority or public body for whom they are collected and shall be handed over to that local authority or public body from time to

time as arranged, subject to the deduction or payment of such amount by way of remuneration for the collection as may be mutually agreed upon.

- (3) Pending the handing over as aforesaid of any moneys so collected by any local authority or public body they shall be lodged to the credit of the general account of that local authority or public body as if they were its own moneys.

31 Extending authority of Hospital Boards to borrow during financial year ended 31 March 1941

[Repealed]

Section 31: repealed, on 1 April 1958, by section 158(1) of the Hospitals Act 1957 (1957 No 40).

32 Validating certain expenditure by Fire Boards

- (1) It shall be deemed to have been lawful for any Fire Board during the year ended on 31 March 1941 to incur expenditure beyond the amount of estimated expenditure approved for that year pursuant to section 12 of the Fire Brigades Amendment Act 1932 if that expenditure was incurred for the purpose of meeting the cost of emergency fire equipment or by reason of the payment of increased wages.
- (2) It shall be deemed to have been lawful for any Fire Board that incurred expenditure during that year for any such purpose to owe at the end of that year moneys in excess of the limit prescribed by paragraph (c) of subsection (2) of section 3 of the Local Bodies' Finance Act 1921–22 to the extent of that expenditure.

33 As to payment of employees of local authorities on naval, military, or air service

- (1) Any payment by a local authority under section 41 of the Finance Act (No 2) 1939 on account of the salary or wages of any of its employees, whether made before or after the passing of this Act, shall not be deemed to be unlawful by reason of the death of the employee if it was made before notice of his death was received by the local authority.
- (2) For the purposes of this section, in addition to any other form of notice, where any employee of a local authority has been reported in any casualty list published in New Zealand to be missing and has continued to be so missing for a period of 3 months from the date of the first publication of that casualty list, the local authority shall be deemed to have received notice of his death at the expiration of that period of 3 months.

34 Validating Government subsidies for centennial memorials in anticipation of grants from local authorities

[Repealed]

Section 34: repealed, on 12 December 1968, by section 6(1)(c) of the Finance Act 1968 (1968 No 54).

35 Validating expenditure by local authorities in farewelling Their Excellencies Viscount Galway and Lady Galway, and welcoming Their Excellencies Sir Cyril and Lady Newall

- (1) It shall be lawful and deemed to have been lawful for any local authority to expend out of its General Fund any sum or sums of money in connection with public functions of farewell to Their Excellencies the Right Honourable Viscount Galway and Lady Galway, and public functions of welcome to Their Excellencies Sir Cyril Newall and Lady Newall.
- (2) For the purposes of this section the term **local authority** means any City or Borough Council, County Council, Road Board, Town Board, Harbour Board, Education Board, Tramway Board, Transport Board, or Hospital Board.

36 Validating certain payments by Wellington Education Board

All payments made by the Wellington Education Board out of moneys received in connection with the billeting of children visiting Wellington to attend the New Zealand Centennial Exhibition are hereby validated.

**Part 4
Miscellaneous**

37 Disqualification provisions as to members of General Assembly not to apply to certain payments

The provisions of the Electoral Act 1927 or any other Act, as to the disqualification of members of the General Assembly or of candidates for election as members of Parliament shall not apply with respect to any payment which, under the authority of any appropriation heretofore or hereafter made by Parliament, has been or may hereafter be received by the Honourable Sir Apirana Turupa Ngata by way of remuneration, travelling allowance, or reimbursement of travelling expenses in respect of his services as a member of the Committee appointed to inquire into matters relating to the East Coast Native Trust lands.

38 Validating payment of members' travelling expenses for 1940 session

All payments made under section 19 of the Civil List Act 1920 to members of the General Assembly in respect of their travelling to the meeting of the General Assembly in the year 1940 are hereby validated, notwithstanding that they may have been made more than 6 months after they became payable.

39 Buildings hired by Crown to dairy companies for accommodation of workers to remain property of Crown

- (1) Notwithstanding anything to the contrary in any Act or rule of law, any buildings hired by the Crown to any dairy company for the provision of accommodation for workers employed by the company shall remain the property of the Crown, and any such building may at any time be removed by the Crown after

the termination of the hiring, or otherwise pursuant to the terms of the hiring, without liability for payment of compensation to the owner of the land whereon the building is situated or to any other person, notwithstanding that the building may have been so attached to the land as to form part thereof.

(2) *[Repealed]*

Section 39(2): repealed, on 1 April 2005, by section 139 of the Credit Contracts and Consumer Finance Act 2003 (2003 No 52).

40 Payments from Government funds to a certain superannuated public servant not to affect rights of superannuation

Notwithstanding anything to the contrary in section 33 of the Public Service Superannuation Act 1927 it shall be deemed to have been lawful to pay out of the Public Service Superannuation Fund to Mr Henry Williams the full amount of his retiring allowance under that Act in respect of the period during the financial year ended on 31 March 1941 for which he received payment from Government funds for special services rendered to the Government as Chief Officer of the ship *Matai*.

41 Validating a certain payment by Dunedin Savings-bank

The payment of 500 pounds made during the present financial year by the trustees of the Dunedin Savings-bank to the Otago Branch of the New Zealand Trained Nurses' Association, Incorporated, partly for general purposes and partly for the assistance of nurses returning to New Zealand from overseas, is hereby validated.

42 Validating a certain payment by Hokitika Savings-bank

The payment of 225 pounds made during the present financial year by the trustees of the Hokitika Savings-bank to the Westland Hospital Board for the purpose of assisting in the purchase of an inductive electric diathermy machine is hereby validated.

43 Special provisions as to reconstruction of certain companies that issued debentures in substitution for shares

- (1) Notwithstanding anything to the contrary in any Act, rules, or regulations, or in any memorandum of association, articles of association, order of court, deed, or document to which the company may be a party, every company that has issued debentures to which section 11 of the Finance Act (No 2) 1940 applies, may at any time before 1 August 1942, and without further authority than this section, exercise the powers set forth in any one of the following paragraphs (a), (b), and (c), namely:

- (a) reduce as on and from 1 April 1941 the rate of interest payable under those debentures to the rate of 3.5% per annum:
- (b) cancel those debentures and issue to the holders thereof in substitution therefor and in full satisfaction thereof fully paid up shares in the com-

pany having a nominal value equal to the amount of the debentures so cancelled:

- (c) with the consent of a Judge of the Supreme Court, cancel any 1 or more of those debentures and issue to the holders of the debenture or debentures so cancelled in substitution therefor and in full satisfaction thereof fully paid up shares in the company having a nominal value equal to the amount of the debenture or debentures so cancelled, and reduce the rate of interest payable under every debenture not so cancelled to the rate of 3.5% per annum:

provided that where the company has issued 2 or more classes of shares or 2 or more classes of debentures to which section 11 aforesaid applies, any shares issued in substitution for debentures pursuant to the provisions of paragraph (b) or paragraph (c) shall be issued in such classes and subject to such terms and conditions and with such rights and priorities as between different classes of shares as shall be approved by a Judge of the Supreme Court:

provided also that where the holder of any debenture or debentures to which section 11 applies is also the holder of partly paid up shares in the company the company may, with the consent of a Judge of the Supreme Court, call up any moneys unpaid on those shares and cancel the debenture or debentures by applying the amount thereof in or towards satisfaction of the amount of the call:

provided also that if the company exercises any of the powers aforesaid the holder of any such debenture that had been transferred for a consideration in money or money's worth (otherwise than by way of dividend) at any time before 30 August 1940 may by notice in writing to be given within 3 months after the exercise of the powers require the company to redeem that debenture within 6 months after the giving of the notice by paying to him in full satisfaction thereof an amount equal to the purchase price for which the debenture was last transferred before 1 August 1941 together with all interest accruing under the debenture to the date of redemption.

- (2) Every application made under subsection (1) for the consent or approval of a Judge of the Supreme Court shall be made by the company by petition and served upon such persons as the court directs.
- (3) Nothing in this section shall be deemed to require the company to exercise any of the powers set forth in subsection (1).

Reprints notes

1 *General*

This is a reprint of the Finance Act 1941 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Statutes Repeal Act 2017 (2017 No 23): section 3(1)
Credit Contracts and Consumer Finance Act 2003 (2003 No 52): section 139
Hop Industry Restructuring Act 2003 (2003 No 16): section 12(2)
Local Government Amendment Act (No 2) 1999 (1999 No 24): section 10
Finance Act 1968 (1968 No 54): section 6(1)(c)
Rating Act 1967 (1967 No 123): section 177(1)
Social Security Act 1964 (1964 No 136): section 135(1)
Education Act 1964 (1964 No 135): section 204(1)
Hospitals Act 1957 (1957 No 40): section 158(1)
Local Authorities Loans Act 1956 (1956 No 63): section 135(1)
Estate and Gift Duties Act 1955 (1955 No 105): section 89(1)
New Zealand Loans Act 1953 (1953 No 74): section 73(1)
Companies Amendment Act 1952 (1952 No 66): section 14(1)
Stamp Duties Amendment Act 1952 (1952 No 22): section 2(2)
Superannuation Act 1947 (1947 No 57): section 91(1)
War Pensions Act 1943 (1943 No 22): section 83(1)
Finance Act (No 2) 1942 (1942 No 14): section 3(4)
War Expenses Amendment Act 1942 (1942 No 8): section 2(2)