

New Zealand.



ANALYSIS.

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1913, No. 44.

AN ACT to amend the Post and Telegraph Act, 1908. Title.
[11th December, 1913.]

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

1. This Act may be cited as the Post and Telegraph Amendment Act, 1913, and shall form part of and be read together with the Post and Telegraph Act, 1908 (hereinafter referred to as the principal Act). Short Title.

2. Section forty-four of the principal Act is hereby amended by omitting the words “section forty-two,” and substituting the words “section forty-three.” Section 44 of principal Act amended.

3. Section seventy-three of the principal Act is hereby amended by adding the words “or from disclosing any matter in compliance with any Act.” Section 73 of principal Act amended.

4. Section seventy-seven of the principal Act is hereby amended by omitting the words “six hundred pounds” wherever they occur, and substituting the words “one thousand pounds.” Section 77 of principal Act amended.

5. (1.) Before opening an account in the Post Office Savings-bank in his own name or on behalf of another person the depositor, on or before making the first deposit, shall make, and deliver to the officer receiving the deposit, a statutory declaration (in or to the effect of such one of the forms in the Schedule hereto as is applicable) that he or the person on whose behalf the account is opened by him, as the case may be, is not directly or indirectly entitled to any benefit from any deposit in the Post Office Savings-bank. Depositor to make statutory declaration.

(2.) Every such declaration shall be exempt from stamp duty, and may be made before and taken by any person empowered by law to take statutory declarations, or any officer authorized to receive deposits.

Penalty for false declaration.

(3.) Every person who by means of any false statement in any such declaration receives or is credited with any sum by way of interest in excess of that authorized by law is liable (in addition to any penalty to which he may be liable in respect of making a false declaration) to a fine of not less than ten pounds and not more than one hundred pounds, and any interest so received in excess may be recovered from him as a debt due to the Crown, and any such interest credited to but not received by him shall be forfeited.

(4.) For the purposes of this section the expression "the depositor" means, in the case of a savings-bank or society, the trustee or other responsible officer of the savings-bank or society duly authorized to open the account.

(5.) For the purposes of this section a person shall not be deemed to be entitled to any benefit from any deposit—

(a.) Made by him as trustee for any other person; or

(b.) Made by any society to which the limit of interest-bearing deposits does not apply and of which he may be a member.

Repeal.

(6.) Subsections three to six of section seventy-seven of, and the Third Schedule to, the principal Act are hereby repealed.

Section 127 of principal Act amended.

6. Section one hundred and twenty-seven of the principal Act is hereby amended—

(a.) By adding to paragraph (a) the following proviso :—

" Provided that no stoppage, hindrance, or interference shall be deemed to be caused if the line is placed at a height of not less than eighteen feet above the crown of the road"; and

(b.) By omitting the words "no obstruction," and substituting the words "no unnecessary or avoidable obstruction."

Section 133 of principal Act amended.

7. Subsection one of section one hundred and thirty-three of the principal Act is hereby amended by inserting, after paragraph (b) thereof, the following paragraph :—

"(bb.) Prohibiting the transmission of telegrams of a nature or character to be defined by such regulations, and authorizing officers of the Post and Telegraph Department to determine in the case of any telegram whether such telegram is within the definition of any such prohibited class."

Misuse of telephone.

8. (1.) Every person who erects, constructs, establishes, or maintains for hire or profit any electric line of communication by telephone, unless the sanction of the Governor in Council is first obtained, is liable to a fine not exceeding twenty pounds for every day whereon he so offends.

(2.) Every person is liable to a fine not exceeding one hundred pounds, or to imprisonment for any term not exceeding one year, who—

- (a.) Wilfully and with intent to mislead or defraud impersonates any person when using a telephone under the control or management of the Minister; or

(b.) Wilfully interferes or attempts to interfere with the working or operation of any telephone or portion of any telephone-system under the control or management of the Minister.

(3.) Section one hundred and sixty-one of the principal Act is hereby repealed. Repeal.

9. (1.) The Governor may from time to time, by Order in Council, make such regulations as he thinks proper governing the use of wireless-telegraph apparatus on merchant ships, whether foreign ships or British ships not registered in New Zealand, while within the territorial waters of New Zealand. Regulations as to use of wireless telegraphy in territorial waters.

(2.) Such regulations may provide for the detention of any merchant ship on which a breach of the regulations has been made, pending the institution and determination of proceedings in respect of such breach and the recovery of any fine imposed in respect thereof.

10. Section one hundred and sixty-four of the principal Act is hereby amended by omitting the words "for the purpose of receiving or transmitting communications by wireless telegraphy," and substituting the words "capable of transmitting or receiving wireless-telegraphic signals." Section 164 of principal Act amended.

11. The Minister may construct and maintain on any road or street such telephone cabinets as he thinks fit: Telephone cabinets.

Provided that no telephone cabinet shall be placed on any road or street in such a position as to interfere with the ordinary traffic thereon, and that one week's notice of the intention to construct any such telephone cabinet shall be given to the local authority having control of the road or street.

SCHEDULE.

Schedule.

(1.) DECLARATION BY DEPOSITOR OPENING A POST OFFICE SAVINGS-BANK ACCOUNT ON HIS OWN BEHALF.

I, [*Name in full, abode, and occupation*], do solemnly and sincerely declare as follows:—

1. I desire to become a depositor on my own behalf in the Post Office Savings-bank.

2. I am not directly or indirectly entitled to any benefit from any deposit in the Post Office Savings-bank.

3. I am aware that, whatever my deposits may amount to, I am not entitled to interest on more than £1,000.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Justices of the Peace Act, 1908.

Declared at _____, this _____ day of _____,	}	A. B., Depositor.
19 _____, before me—		
C. D., Authorized Post Officer		
[or Justice of the Peace, or Solicitor].		

NOTE.—A person is not deemed to be entitled to any benefit from any deposit—

(a.) Made by him as trustee for any other person; or

(b.) Made by any society to which the limit of interest-bearing deposits does not apply, and of which he may be a member.

(2.) DECLARATION BY TRUSTEE OPENING A POST OFFICE SAVINGS-BANK ACCOUNT ON BEHALF OF ANOTHER.

I, [*Name in full, abode, and occupation*], do solemnly and sincerely declare as follows:—

1. I desire to become a depositor in the Post Office Savings-bank as the trustee of [*Name and address*].

2. The said _____ is not directly or indirectly entitled to any benefit from any deposit in the Post Office Savings-bank, nor am I so entitled on his behalf.

3. I am aware that, whatever my deposits as such trustee may amount to, neither I nor the said _____ are entitled to interest on more than £1,000.

4. [*Where the beneficiary is under seven years of age, add*] The said _____ is an infant under the age of seven years, and will attain that age on the _____ day of _____, 19 _____.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Justices of the Peace Act, 1908.

Declared at _____, this _____ day of _____,	}	A. B., Trustee.
19 _____, before me—		
C. D., Authorized Post Officer [or Justice of the Peace or Solicitor].		

NOTE.—A person is not deemed to be entitled to any benefit from any deposit—

(a.) Made by him as trustee for any other person; or

(b.) Made by any society to which the limit of interest-bearing deposits does not apply, and of which he may be a member.

(3.) DECLARATION WHERE DEPOSITOR IS A FRIENDLY OR OTHER SOCIETY.

I, [*Full name, abode, and occupation*], do solemnly and sincerely declare as follows:—

1. I am the treasurer [*or secretary, or trustee*] of the [*Name of society*].

2. I am authorized by the said society to open an account on its behalf in the Post Office Savings-bank.

3. No moneys will at any time be deposited in the said account which are not the exclusive property of the society.

4. [*Where the society is exempt from the limit of interest-bearing deposits, add*] The said society is exempt from the limit of interest-bearing deposits.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Justices of the Peace Act, 1908.

Declared at _____, this _____ day of _____,	}	A. B., Declarant.
19 _____, before me—		
C. D., Authorized Post Officer [or Justice of the Peace or Solicitor].		

NOTE.—The societies which are exempt from the limit of interest-bearing deposits are—

(a.) Savings-banks under the Savings-Banks Act, 1908;

(b.) Legally constituted friendly, charitable, or provident societies; and

(c.) Such other non-mercantile societies as the Governor from time to time, by Order in Council, prescribes.