



NEW ZEALAND

ANALYSIS

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| <p>Title.</p> <p>1. Short Title.</p> <p style="text-align: center;"><i>Administration</i></p> <p>2. Succession to married women and infants in certain cases.</p> <p style="text-align: center;"><i>Bankruptcy</i></p> <p>3. Amending provisions as to protection in case of fraudulent preference by bankrupt.</p> <p style="text-align: center;"><i>Contributory Negligence</i></p> <p>4. Contributory Negligence Act, 1947, to bind the Crown.</p> <p style="text-align: center;"><i>Control of Prices</i></p> <p>5. Offences under Control of Prices Act, 1947, to be triable summarily.</p> <p style="text-align: center;"><i>Counties</i></p> <p>6. Conferring additional powers on County Councils as to sanitation charges.</p> <p>7. County Councils authorized to provide paddocks for driven cattle.</p> <p style="text-align: center;"><i>Crimes</i></p> <p>8. Jurisdiction in respect of offences committed on aircraft outside New Zealand.</p> <p style="text-align: center;"><i>Criminal Appeal</i></p> <p>9. Amending provisions as to legal assistance to appellants.</p> | <p style="text-align: center;"><i>Dairy Industry</i></p> <p>10. Extension of powers to regulate dairy industry.</p> <p style="text-align: center;"><i>Distillation</i></p> <p>11. Spirit distilled under wine-still licence may be used to fortify wines made from any fruit.</p> <p style="text-align: center;"><i>Dogs Registration</i></p> <p>12. Section 8 of the Dogs Registration Act, 1908 (as to fee to be appointed by local authority), amended.</p> <p style="text-align: center;"><i>External Affairs</i></p> <p>13. Amending definition of term "overseas representative".</p> <p>14. Regulations.</p> <p style="text-align: center;"><i>Factories</i></p> <p>15. Amending special provisions relating to newspapers.</p> <p>16. Extending Minister's power to consent to additional overtime.</p> <p style="text-align: center;"><i>Fertilizers</i></p> <p>17. Section 28 of Fertilizers Act, 1927 (as to regulations), amended.</p> <p style="text-align: center;"><i>Fisheries</i></p> <p>18. Officers commanding ships in His Majesty's Navy to have powers of a fishery officer.</p> <p style="text-align: center;"><i>Food and Drugs</i></p> <p>19. Misleading advertisements.</p> |
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Industrial and Provident Societies
20. Appointment of auditors.

Industrial Conciliation and Arbitration

21. Provisions of award relating to rates of wages may have effect from date prior to award.
22. Extension of time within which action may be commenced for recovery of arrears of wages payable under award or industrial agreement.
23. Enabling society of employers to be registered as New Zealand Union, or North or South Island Union, if all employers belong to society.
24. Industrial union of workers may take action for penalty under section 2 of Industrial Conciliation and Arbitration Amendment Act, 1943.

Judicature

25. Increasing number of Judges of Supreme Court.

Law of Libel Amendment

26. Qualified privilege in respect of publication of proceedings of inquiries held pursuant to rules of organization formed for control of boxing.

Local Authorities (Members' Contracts)

27. Section 3 of Local Authorities (Members' Contracts) Act, 1934 (as to disqualifying contracts between local authorities and their members), amended.

Masterton Licensing Restoration

28. Empowering Pahiataua Licensing Committee to grant licence before next annual meeting.

Masterton Licensing Trust

29. Section 14 of Masterton Licensing Trust Act, 1947 (as to disqualification of members), amended.
30. Trust may establish separate bars for sale of liquor.

Meat-export Control

31. Levy on meat exported from New Zealand. Repeal.

Mutual Fire Insurance

32. Extension of powers of Mutual Fire Insurance Associations.

New Zealand University

33. Meetings of Senate.
34. Powers of Senate to grant degrees.
35. Reconstitution of University Entrance Board. Repeals. Commencement.

Oil in Territorial Waters

36. Penalty for discharge of oil into territorial waters.
37. Consequential amendments.

Police Offences

38. Use of emblem, seal, or name of United Nations and other organizations. Repeal.
39. Exempting persons working on Sundays in connection with aerodromes or aircraft from penal provisions. Consequential repeal.

Political Disabilities Removal

40. Passing of resolutions under Political Disabilities Removal Act, 1936.

Poor Prisoners' Defence

41. Legal aid in appeals from Justices.

Rating

42. Section 36 of Rating Act, 1925 (as to amendment of annual value roll), amended.

Rotorua Borough

43. Provision as to charges for water-supply in the Rotorua Borough.

Shops and Offices

44. Amending section 19 of Shops and Offices Amendment Act, 1927 (as to exemptions from closing-hour provisions).

Valuation of Land

45. While Servicemen's Settlement and Land Sales Act, 1943, remains in force, valuations of land to conform to basic value under that Act.
46. Procedure as to objections. Commencement.

Workers' Compensation

47. In assessing compensation, no account to be taken of any gain to dependants consequent on the death of a deceased worker.

1948, No. 77

AN ACT to Amend Certain Enactments of the General Assembly of New Zealand. [3rd December, 1948] Title.

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 Statutes Amendment Act, 1948. Short Title.

Administration

2. (1) This section shall be read together with and deemed part of the Administration Act, 1908 (in this section referred to as the principal Act). Succession to married women and infants in certain cases.

(2) Notwithstanding anything to the contrary in the principal Act or in any other Act or in any rule of law, where any person to whom this section applies dies intestate in respect of any movable property in New Zealand, the succession to and distribution of that property shall be determined in all respects as if that person had died domiciled in New Zealand, and where any such person dies leaving a will made in New Zealand either before or after the passing of this Act, the validity and construction of that will as far as it affects movable property in New Zealand, and the capacity of that person to make the will affecting that property, shall be determined in all respects as if that person had been domiciled in New Zealand at the date of the will and had continued to be so domiciled until his or her death. See Reprint of Statutes, Vol. III, p. 128

(3) This section shall apply to the following persons:—

(a) Every married woman who dies after the thirty-first day of December, nineteen hundred and forty-eight, and who would be domiciled in New Zealand at her death if she could retain and acquire a domicile distinct from that of her husband:

(b) Every infant who dies in New Zealand after the thirty-first day of December, nineteen hundred and forty-eight, and whose mother would be domiciled in New Zealand at the death of the infant or the mother, whichever first occurs, if the mother could retain and acquire a domicile distinct from that of her husband.

(4) The local situation of any movable property shall be determined for the purposes of this section in the same manner as it is determined for the purposes of the Death Duties Act, 1921.

See Reprint of Statutes, Vol. VII, p. 354

(5) Nothing in this section shall cause any property outside New Zealand to be included in the dutiable estate of any deceased person for the purposes of the Death Duties Act, 1921, if that property would not otherwise be included therein.

Bankruptcy

3. Section seventy-nine of the Bankruptcy Act, 1908, is hereby amended by repealing subsection three, and substituting the following subsection:—

“(3) This section shall not affect the rights of any person making title in good faith and for valuable consideration through or under a creditor of the bankrupt.”

Amending provisions as to protection in case of fraudulent preference by bankrupt.

See Reprint of Statutes, Vol. I, p. 509

Cf. Bankruptcy Act, 1914 (4 & 5 Geo. 5, c. 59), (U.K.), s. 44 (2)

Contributory Negligence

4. The Contributory Negligence Act, 1947, is hereby amended by adding the following section:—

“7. This Act shall bind the Crown.”

Contributory Negligence Act, 1947, to bind the Crown. 1947, No. 3

Control of Prices

5. The Control of Prices Act, 1947, is hereby amended as follows:—

(a) By inserting in section twenty-six, after the words “shall be liable”, the words “on summary conviction”:

(b) By inserting in section thirty-eight, after the words “shall be liable”, the words “on summary conviction”.

Offences under Control of Prices Act, 1947, to be triable summarily. 1947, No. 51

Counties

6. Section one hundred and twenty-three of the Counties Act, 1920, is hereby amended by adding to subsection two the following proviso:—

“Provided that any such annual charge in respect of the cleaning of closets or privies may be a uniform charge for each pan in such closets or privies.”

Conferring additional powers on County Councils as to sanitation charges.

See Reprint of Statutes, Vol. V, p. 224

7. Section two hundred and three of the Counties Act, 1920, is hereby amended by inserting, after subsection one, the following subsection:—

“(1A) The Council may expend moneys in the purchase or acquisition of land for the purpose of paddocking driven cattle.”

County Councils authorized to provide paddocks for driven cattle. See Reprint of Statutes, Vol. V, p. 258

Crimes

8. The Crimes Act, 1908, is hereby amended by inserting, after section four, the following new section:—

“4A. (1) In this section, unless the context otherwise requires,—

Jurisdiction in respect of offences committed on aircraft outside New Zealand.

“ ‘Foreign aircraft’ means any aircraft within the meaning of the Civil Aviation Act, 1948, which is not a New Zealand aircraft:

See Reprint of Statutes, Vol. II, p. 184 1948, No. 12

“ ‘New Zealand aircraft’ means any aircraft within the meaning of the Civil Aviation Act, 1948, which is registered in New Zealand under that Act, and includes any aircraft within the meaning of that Act which is for the time being used as an aircraft of the Royal New Zealand Air Force.

“(2) Where any person—

“(a) Is charged with having committed any offence (whether a crime or not) on board any New Zealand aircraft outside the territorial limits of New Zealand; or

“(b) Being a New Zealand citizen, is charged with having committed any offence (whether a crime or not) on board any foreign aircraft outside the territorial limits of New Zealand—

and that person is found within the jurisdiction of any Court in New Zealand which would have had cognizance of the offence if it had been committed in New Zealand within the limits of its ordinary jurisdiction, that Court shall have jurisdiction to try the offence as if it had been so committed.”

Criminal Appeal

9. (1) Section ten of the Criminal Appeal Act, 1945, is hereby amended by adding the following as subsection two thereof:—

Amending provisions as to legal assistance to appellants. 1945, No. 23

“(2) For the purpose of the last preceding subsection and of section thirteen of this Act, the term ‘appellant’ includes an accused person in respect of

whose trial a case is stated for the opinion of the Court of Appeal under section four hundred and forty-two or section four hundred and forty-three of the principal Act, and a convicted person in respect of whom an application to the Governor-General for the exercise of the mercy of the Crown is referred to the Court of Appeal under section seventeen of this Act; and the term 'appeal' has a corresponding meaning."

(2) Section thirteen of the Criminal Appeal Act, 1945, is hereby amended by omitting from subsection two the words "up to an amount allowed by the Court, but subject to any regulations as to rates and scales of payment".

(3) The said section thirteen is hereby further amended by adding the following subsection:—

"(3) The Governor-General may from time to time, by Order in Council, make regulations prescribing the fees payable to any solicitor or counsel assigned to an appellant under this Act, and the rates and scales of payment of the expenses of witnesses and other expenses referred to in the last preceding subsection."

Dairy Industry

10. (1) This section shall be read together with and deemed part of the Dairy Industry Act, 1908 (in this section referred to as the principal Act).

(2) In addition to the matters specified in section twenty-three of the principal Act, and without in any way limiting the generality of the authority to make regulations conferred by that section, it is hereby declared that regulations may be made thereunder for all or any of the following purposes, namely:—

(a) Prescribing standards of quality, purity, and composition in respect of any dairy-produce intended for export or of any ingredient or component part thereof:

(b) Imposing levies on persons carrying on the manufacture of dairy-produce or on any class of such persons, for the purpose of defraying the cost of grading any such dairy-produce.

Extension of powers to regulate dairy industry.

See Reprint of Statutes, Vol. I, p. 78

Distillation

11. Section twelve of the Distillation Act, 1908, is hereby amended by inserting in subsection one, after the words “fortifying the wines”, the words “(being the produce of any fruit)”.

Spirit distilled under wine-still licence may be used to fortify wines made from any fruit.

See Reprint of Statutes, Vol. IV, p. 183

Dogs Registration

12. Section eight of the Dogs Registration Act, 1908, is hereby amended as follows:—

Section 8 of the Dogs Registration Act, 1908 (as to fee to be appointed by local authority), amended.

(a) By omitting from paragraph (c) of the proviso the words “not exceeding three”, and substituting the words “not exceeding such number as the local authority, by notification as aforesaid, may specify,”.

See Reprint of Statutes, Vol. I, p. 207

(b) By omitting from the said paragraph (c) the words “two shillings and sixpence”, and substituting the words “three shillings”.

External Affairs

13. Section two of the External Affairs Act, 1943, is hereby amended by inserting in the definition of the term “overseas representative”, after the word “diplomatic”, the words “or consular”.

Amending definition of term “overseas representative”.

1943, No. 5

14. The External Affairs Act, 1943, is hereby further amended by inserting, after section eleven, the following new section:—

Regulations.

“ 11A. (1) The Governor-General may from time to time, by Order in Council, make such regulations as may in his opinion be necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof.

“ (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:—

“ (a) Determining the conditions of service of overseas representatives and of officers appointed under section eight of this Act:

“(b) Authorizing the Minister to determine from time to time the fees to be taken in respect of any matter or thing done in the execution of his office by an overseas representative or by an officer appointed under section eight of this Act and the conditions upon which exemptions from or reductions of any such fees may be granted.”

Factories

Amending special provisions relating to newspapers. 1946, No. 43

15. Section thirty-two of the Factories Act, 1946, is hereby amended by repealing subsection two, and substituting the following subsection:—

“(2) For the purposes of the foregoing provisions of this Act in their application to night workers in a newspaper factory—

“(a) The term ‘Sunday’ shall mean the period from noon on Sunday until noon on the following day; and a reference to any other day shall be read as a reference to the period from noon on that day until noon on the following day:

“(b) The term ‘holiday’ shall, where the newspaper is published on the holiday, mean the period from noon on the day of the holiday until noon on the following day, and shall, where the newspaper is not published on the holiday, mean the period from noon on the day preceding the holiday until noon on the day of the holiday.”

Extending Minister's power to consent to additional overtime. 1946, No. 43

16. (1) Section twenty of the Factories Act, 1946, is hereby amended by repealing paragraph (c) of subsection two, and substituting the following paragraph:—

“(c) The extension shall not be more than ninety hours in any year, except that the Inspector may in his discretion (having regard to the particular circumstances of the case) grant a warrant under the next succeeding section permitting the working of extended hours (not exceeding thirty in any year) after the ninety hours in a year have been worked by any employee; and that the

Minister may in his discretion, subject to such conditions as to medical examination, provision of meals and other amenities, and such other conditions as he thinks fit, permit the voluntary working of further additional hours not exceeding eighty in any year; and”.

(2) Section twenty-five of the principal Act is hereby amended by repealing paragraph (c) of subsection four, and substituting the following paragraph:—

“(c) The extension shall not be more than ninety hours in any year, except that the Inspector may in his discretion (having regard to the particular circumstances of the case) grant a warrant under this section permitting the working of extended hours (not exceeding thirty in any year) after the ninety hours in a year have been worked by any employee; and that the Minister may, in his discretion, subject to such conditions as to medical examination, provision of meals and other amenities, and such other conditions as he thinks fit, permit the voluntary working of further additional hours not exceeding eighty in any year; and”.

Fertilizers

17. Section twenty-eight of the Fertilizers Act, 1927, as amended by section four of the Fertilizers Amendment Act, 1948, is hereby further amended by inserting, after subsection one, the following subsection:—

“(1A) Nothing in section three of this Act shall limit or in any way affect the power to make regulations conferred by paragraph (gg) of subsection one of this section.”

Section 28 of Fertilizers Act, 1927 (as to regulations), amended.

See Reprint of Statutes, Vol. I, p. 112 1948, No. 3

Fisheries

18. Section four of the Fisheries Act, 1908, is hereby amended by adding the following new subsection:—

“(3) Every officer for the time being in command of a ship in His Majesty's Naval Forces shall have and may exercise, without further appointment, all the powers of a fishery officer under this Act, as if he had been duly appointed an Inspector of Sea-fishing under the provisions of subsection one of this section.”

Officers commanding ships in His Majesty's Navy to have powers of a fishery officer.

See Reprint of Statutes, Vol. III, p. 346

Food and Drugs

Misleading
advertisements.
1947, No. 7

19. Section nine of the Food and Drugs Act, 1947, is hereby amended by inserting in subsection one, after the word "relating", the words "or calculated or likely to cause any person to believe that it relates".

Industrial and Provident Societies

Appointment
of auditors.
See Reprint
of Statutes,
Vol. III, p. 1049

20. (1) The Industrial and Provident Societies Act, 1908, is hereby amended by repealing section nineteen, and substituting the following new section:—

"19. (1) Any registered society may from time to time appoint an auditor or auditors of the society.

"(2) No person shall be qualified for appointment under this section as auditor of a registered society unless he is a member of the New Zealand Society of Accountants.

"(3) Nothing in this section shall be construed to limit or affect in any way any provision in the rules of a registered society for the appointment, in accordance with those rules, of two or more persons as auditors of the society, and nothing in subsection two of this section shall apply to any person so appointed."

(2) The said Act is hereby consequentially amended as follows:—

(a) By omitting from subparagraph (iii) of paragraph (a) of section eight the words "to one of the public auditors appointed as hereinafter mentioned", and substituting the words "to an auditor or auditors appointed under section nineteen of this Act":

(b) By omitting from subparagraph (iv) of the said paragraph (a) the words "by a public auditor appointed as by this Act is provided, and by whom, and, if by any person other than a public auditor", and substituting the words "by an auditor or auditors appointed under section nineteen of this Act, and by whom, and, if by any person other than an auditor so appointed":

(c) By omitting from section twenty-one all words after the words "the purposes of this Act":

(d) By omitting from section twenty-three the words "or public auditor".

Industrial Conciliation and Arbitration

21. Section eighty-nine of the Industrial Conciliation and Arbitration Act, 1925, is hereby amended by repealing subsection eight, and substituting the following subsection:—

“(8) In making its award the Court shall direct that any provision of the award relating to the rate of wages to be paid shall have effect as from the date first appointed for the hearing by the Conciliation Council of the industrial dispute in respect of which the award is made, or such other date as the Court, after taking into consideration all relevant matters, including any undue delay that may have been caused by any party to the dispute between the date of the filing of the application for the hearing of the dispute with the Clerk of Awards and the date of the making of the award, in its discretion, thinks fit:

“Provided that in no case shall the date on which the award or any part thereof is to become operative be earlier than the date of the expiration of the currency of any existing award or industrial agreement being wholly or partially superseded by the award being made under this section.”

22. (1) Section one hundred and forty-six of the Industrial Conciliation and Arbitration Act, 1925, as amended by section twenty-seven of the Industrial Conciliation and Arbitration Amendment Act, 1936, is hereby further amended by omitting the words “twelve months”, and substituting the words “two years”.

(2) Section four of the Industrial Conciliation and Arbitration Amendment Act, 1943, is hereby amended by omitting from subsection one the words “within twelve months after the day on which the moneys became due and payable”, and by adding to the same subsection the following proviso:—

“Provided that notwithstanding the provisions of section one hundred and forty-one of the principal Act, any proceedings under this section may be commenced within two years after the day on which the moneys became due and payable.”

(3) The extension of time for the commencement of actions provided for in this section shall apply in any case where the cause of action has arisen within two years before the commencement of this Act.

Provisions of award relating to rates of wages may have effect from date prior to award. See Reprint of Statutes, Vol. III, p. 980

Extension of time within which action may be commenced for recovery of arrears of wages payable under award or industrial agreement. 1936, No. 6 1943, No. 25

Enabling society of employers to be registered as New Zealand Union, or North or South Island Union, if all employers belong to society.

1936, No. 6
1937, No. 10

23. (1) Section five of the Industrial Conciliation and Arbitration Amendment Act, 1936, is hereby amended by inserting in paragraph (a) of subsection one, after the words “applicant society”, the words “has as its members all the employers engaged in the industry or related industries in New Zealand or”.

(2) Section ten of the Industrial Conciliation and Arbitration Amendment Act, 1936, as amended by section nine of the Industrial Conciliation and Arbitration Amendment Act (No. 2), 1937, is hereby further amended by inserting in the proviso to subsection one, after the words “industrial union of employers”, the words “unless it has as its members all the employers engaged in the industry or related industries in the North Island, or in the South Island, or”.

Industrial union of workers may take action for penalty under section 2 of Industrial Conciliation and Arbitration Amendment Act, 1943.

1943. No. 25

24. Section two of the Industrial Conciliation and Arbitration Amendment Act, 1943, is hereby amended by inserting in subsection one, after the words “Inspector of Awards”, the words “or of the industrial union of workers to which the worker belonged at the time when the acts giving rise to the action for the recovery of the penalty were committed,”.

Judicature

Increasing number of Judges of Supreme Court.

1935, No. 18

25. Section two of the Judicature Amendment Act, 1935, is hereby amended by omitting from subsection one the word “nine”, and substituting the word “ten”.

Law of Libel Amendment

Qualified privilege in respect of publication of proceedings of inquiries held pursuant to rules of organization formed for control of boxing.

See Reprint of Statutes, Vol. IV, p. 1099
1933, No. 47

26. Section two of the Law of Libel Amendment Act, 1910, as amended by section two of the Law of Libel Amendment Act, 1933, is hereby further amended by adding to subsection one the following paragraph:—

“(g) A fair and accurate report of the proceedings in any inquiry held in accordance with the rules of any organization established for the control of boxing or of the result of any such proceedings.”

Local Authorities (Members' Contracts)

27. Section three of the Local Authorities (Members' Contracts) Act, 1934, is hereby amended as follows:—

Section 3 of Local Authorities (Members' Contracts) Act, 1934 (as to disqualifying contracts between local authorities and their members), amended.
1934, No. 17

(a) By omitting the words "ten pounds", and substituting the words "fifty pounds":

(b) By omitting the words "twenty-five pounds", and substituting the words "one hundred pounds":

(c) By omitting the words "fifty pounds", and substituting the words "two hundred and fifty pounds".

Masterton Licensing Restoration

28. Section six of the Masterton Licensing Restoration Act, 1947, is hereby amended by omitting from paragraph (a) of subsection one the words "nineteen hundred and forty-eight", and substituting the words "nineteen hundred and forty-nine".

Empowering Pahiatua Licensing Committee to grant licence before next annual meeting.
1947, No. 31

Masterton Licensing Trust

29. Section fourteen of the Masterton Licensing Trust Act, 1947, is hereby amended by repealing the proviso to subsection two.

Section 14 of Masterton Licensing Trust Act, 1947 (as to disqualification of members), amended.
1947, No. 35

30. Section thirty-two of the Masterton Licensing Trust Act, 1947, is hereby amended by repealing the proviso to subsection one, and also by inserting, after that subsection, the following subsections:—

Trust may establish separate bars for sale of liquor.

"(1A) The Trust may establish and maintain bars for the sale of liquor in premises in which accommodation is not provided for the travelling public:

"Provided that nothing in this subsection shall be construed to limit or affect the duty of the Trust under this Act to provide premises for the accommodation of the travelling public.

"(1B) Except in the case of any bar established pursuant to the last preceding subsection or of any premises established temporarily pursuant to the next

succeeding section, liquor shall not be sold for consumption on the premises where it is sold unless the premises are of a standard at least equal to the standard required of premises in respect of which a licence under the Licensing Act, 1908, is in force.”

Meat-export Control

Levy on meat
exported from
New Zealand.
See Reprint
of Statutes,
Vol. VIII,
p. 649

31. (1) This section shall be read together with and deemed part of the Meat-export Control Act, 1921-22 (in this section referred to as the principal Act).

(2) The operation of section thirteen of the principal Act (which relates to a charge by way of levy on all meat exported from New Zealand) is hereby suspended.

(3) For the purpose of providing funds to enable the New Zealand Meat-producers Board to carry out its functions there shall from time to time, while the suspension imposed by the last preceding subsection continues in force, be paid to the Board out of moneys in the Meat Industry Account by way of levy on all meat exported from New Zealand after the thirtieth day of April, nineteen hundred and forty-eight, such charges as may from time to time be fixed by the Board, not exceeding the maximum charges prescribed in that behalf by regulations under the principal Act. All moneys payable under this subsection shall from time to time be paid to the Board without further appropriation than this subsection and shall form part of the funds of the Board.

(4) The Governor-General may at any time, by Order in Council, declare the suspension imposed by this section on the operation of the said section thirteen to be removed as from a date to be specified in that behalf in the Order in Council. As from the date so specified, the provisions of the said section thirteen shall operate accordingly and the provisions of the last preceding subsection shall cease to apply.

(5) This section is in substitution for section forty-two of the Statutes Amendment Act, 1947, and that section is hereby accordingly repealed.

Repeal.
1947, No. 60

Mutual Fire Insurance

32. Section two of the Mutual Fire Insurance Amendment Act, 1913, is hereby amended by adding to subsection one the words “and to undertake insurance of their members against accident, disease, disability, or any change of mental or physical condition”.

Extension of powers of Mutual Fire Insurance Associations. See Reprint of Statutes, Vol. IV, p. 36

New Zealand University

33. Section eight of the New Zealand University Amendment Act, 1926, is hereby amended by adding the following subsection:—

“(6) At any time while the Director of Education is absent from New Zealand, the Assistant Director of Education, or any other officer of the Department of Education authorized by either the Director or the Assistant Director in that behalf, may attend any meeting of the Senate in his stead, and while so attending shall be deemed for all purposes to be a member of the Senate. The fact that the Assistant Director of Education or any other officer of the Department so attends shall be sufficient evidence of his authority so to do.”

Meetings of Senate. See Reprint of Statutes, Vol. II, p. 1141

34. Section ten of the New Zealand University Amendment Act, 1926, is hereby amended by omitting from subsection one the words “Bachelor and Doctor of Dental Surgery”, and substituting the words “Bachelor, Master, and Doctor of Dental Surgery”.

Powers of Senate to grant degrees.

35. (1) Section twenty of the New Zealand University Amendment Act, 1926, is hereby amended by repealing subsection three, and substituting the following subsection:—

“(3) On the thirty-first day of March, nineteen hundred and forty-nine, the members of the University Entrance Board then in office shall go out of office, and thereafter the University Entrance Board shall be constituted as follows:—

Reconstitution of University Entrance Board.

“(a) The Vice-Chancellor of the University:

“(b) Three members to be appointed by the Minister of Education:

“(c) Six members to be elected by the Academic Board:

“(d) Two members to be appointed by the New Zealand Secondary Schools’ Association (Incorporated):

“(e) One member to be appointed by the New Zealand Technical School Teachers’ Association:

“(f) One member to be appointed by the Association of the Heads of the Registered Secondary Schools of New Zealand (Incorporated).”

1945, No. 40

(2) The said section twenty, as amended by section sixty of the Statutes Amendment Act, 1945, is hereby amended by omitting from subsection six the words “paragraphs (d) and (e)”, and substituting the words “paragraph (c)”.

Repeals.

1944, No. 25

1945, No. 40

(3) Section forty-eight of the Statutes Amendment Act, 1944, and section sixty of the Statutes Amendment Act, 1945, are hereby consequentially repealed.

Commencement.

(4) This section shall come into force on the thirty-first day of March, nineteen hundred and forty-nine.

Oil in Territorial Waters

Penalty for discharge of oil into territorial waters.

See Reprint of Statutes, Vol. VIII, p. 480

36. (1) Section three of the Oil in Territorial Waters Act, 1926, is hereby amended by omitting from subsection one the words “allowed to escape”, wherever those words occur, and substituting in each case the word “escapes”.

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

“(4) Where oil has been discharged or has escaped into territorial waters while any apparatus was being used for the purpose of transferring oil from any ship to any other ship or any place, or to any ship from any other ship or any place, every person having charge of the apparatus, every owner and master of any such ship, and every occupier of the land from or to which oil was so transferred, or any two or more of them may be proceeded against and convicted together. In any proceedings under this subsection against two or more persons, where it is established that oil was discharged or escaped into territorial waters while oil was being transferred as aforesaid—

“(a) The onus shall be on each person having charge of any apparatus used for the purpose of the transfer to prove that the discharge or escape did not occur from that apparatus:

“(b) The onus shall be on each owner or master of a ship to or from which the transfer was being made to prove that the discharge or escape did not occur from that ship:

“(c) The onus shall be on each occupier of any land to or from which the transfer was being made to prove that the discharge or escape did not occur from that land.”

37. (1) Section six of the Oil in Territorial Waters Act, 1926, is hereby amended by omitting from subsection one the words “discharged or allowed to escape”, and substituting the words “which is discharged or escapes”. Consequential amendments.

(2) Section eight of the Oil in Territorial Waters Act, 1926, is hereby amended by omitting the words “the offence of having in contravention of the provisions of this Act discharged or allowed to escape any oil into any territorial waters”, and substituting the words “an offence in respect of the discharge or escape of any oil into any territorial waters in contravention of the provisions of this Act”.

(3) The said section eight is hereby further amended by omitting the words “so discharged or allowed to escape”, and substituting the words “so discharged or escaped”.

Police Offences

38. (1) This section shall be read together with the Police Offences Act, 1927, and shall be deemed part of Part I of that Act. Use of emblem, seal, or name of United Nations and other organizations.

(2) No person shall use in connection with any trade or business the emblem, the official seal, or the name of the United Nations, or any abbreviation or variation of that name, or any word or words that may incorporate that name, abbreviation, or variation, unless he proves that he has been authorized to do so by the Secretary-General of the United Nations. See Reprint of Statutes, Vol. II, p. 500

(3) The Governor-General may from time to time, by notice in the *Gazette*, prohibit the use in connection with any trade or business of any name, word, seal, emblem, or device having reference in any way to any

specialized agency brought into relationship with the United Nations in pursuance of Article fifty-seven of the Charter of the United Nations, or to any other international organization or authority.

(4) Every person who acts in contravention of this section, or of any notice under this section, commits an offence and shall be liable on summary conviction to a fine not exceeding ten pounds.

Repeal.
1947, No. 60

(5) Section forty-eight of the Statutes Amendment Act, 1947, is hereby repealed.

Exempting persons working on Sundays in connection with aerodromes or aircraft from penal provisions.

39. (1) Section eighteen of the Police Offences Act, 1927, is hereby amended by adding to subsection three the words “ or to any person working in connection with any aerodrome or aircraft ”.

Consequential repeal.
1934, No. 25

(2) Section thirty of the Transport Licensing (Commercial Aircraft Services) Act, 1934, is hereby repealed.

Political Disabilities Removal

Passing of resolutions under Political Disabilities Removal Act, 1936.
1936, No. 23

40. (1) Section four of the Political Disabilities Removal Act, 1936, is hereby amended by inserting, after subsection one, the following new subsection:—

“(1A) For the purposes of this section a resolution shall be deemed to have been passed on a ballot of the members of the society if a majority of the total valid votes recorded at the ballot is in favour thereof.”

(2) The said section four is hereby further amended by omitting from subsection one the words “ a majority of ”.

(3) This section shall be deemed to have come into force on the first day of March, nineteen hundred and forty-seven.

Poor Prisoners' Defence

Legal aid in appeals from Justices.
1933, No. 40

41. The Poor Prisoners' Defence Act, 1933, is hereby amended by inserting, after section three, the following new section:—

“ 3A. (1) Any appellant on whose application a case has been stated for the opinion of the Supreme Court under section three hundred and three of the Justices of the Peace Act, 1927, and any appellant who has appealed to the Supreme Court under section

See Reprint of Statutes, Vol. II, pp. 442, 446

three hundred and fifteen of that Act, shall be entitled to free legal aid in the preparation and conduct of his appeal and to have counsel assigned to him for that purpose in the prescribed manner, if an appeal certificate is granted in respect of him in accordance with the provisions of this section.

“(2) Subject to the provisions of this section, an appeal certificate may be granted in respect of any such appellant—

“(a) By the Justice against whose conviction, order, or sentence the appeal is made, if the application for the appeal certificate is made before the case stated or form of appeal, as the case may be, is filed in the Supreme Court; or

“(b) By any Judge of the Supreme Court, at any time after the case stated or form of appeal has been filed in the Supreme Court—

(such Justice or Judge being in this section referred to as the certifying authority).

“(3) An appeal certificate shall not be granted in respect of any appellant unless it appears to the certifying authority that his means are insufficient to enable him to obtain legal aid. Where it so appears, the certifying authority may grant an appeal certificate if it also appears to him having regard to all the circumstances of the case (including the reasonableness of the grounds on which the appeal is based) that it is desirable in the interests of justice that the appellant should have free legal aid in the preparation and conduct of his appeal in the Supreme Court.”

Rating

42. (1) Section thirty-six of the Rating Act, 1925, is hereby amended by omitting from subsection two the words “ addition or removal of buildings ”, and substituting the words “ addition, alteration, conversion, or removal of buildings ”.

(2) The said section thirty-six is hereby further amended by omitting from subsection three the words “ added or removed ”, and substituting the words “ added, altered, converted, or removed ”.

Section 36 of Rating Act, 1925 (as to amendment of annual value roll), amended.

See Reprint of Statutes, Vol. VII, p. 990

Rotorua Borough

Provision as to
charges for
water-supply in
the Rotorua
Borough.
1922, No. 9
1933, No. 30

43. (1) This section shall be read together with and deemed part of the Rotorua Borough Act, 1922.

(2) Notwithstanding anything contained in the Municipal Corporations Act, 1933, the Rotorua Borough Council shall make and levy annual charges for water—

(a) For ordinary supply within the meaning of any by-law defining such ordinary supply:

(b) For flushing water closets or other sanitary conveniences connected with the water-supply:

Provided that the charges under this paragraph may vary in respect of different parts of the borough as defined by any by-law.

(3) Such charges as aforesaid shall be levied—

(a) On lands and dwellinghouses to which water is supplied:

(b) On all buildings, not being dwellinghouses, to which water is supplied:

(c) On all lands and buildings to which water can be but is not supplied, and which are situated within one hundred yards of any part of the waterworks:

Provided that under paragraph (a) or paragraph (b) of this subsection a separate annual charge may be levied on each portion of any such land, dwellinghouse, or building, as the case may be, that is separately occupied:

Provided also that no annual charge under paragraph (b) or paragraph (c) of this subsection shall exceed one-half of the annual charge levied in respect of the same kind of supply under paragraph (a) of this subsection.

(4) All water charges levied by the Council for the year ending on the thirty-first day of March, nineteen hundred and forty-nine, are hereby validated and deemed to have been lawfully levied.

(5) In addition to the powers of the Council under the Municipal Corporations Act, 1933, to make by-laws for the regulation and control of the waterworks the Council may from time to time make by-laws—

(a) Regulating any of the matters to which this section relates:

(b) Defining and classifying the kinds of water services and fixing the annual or other charges to be made for the supply of water.

Shops and Offices

44. Section nineteen of the Shops and Offices Amendment Act, 1927, is hereby amended as follows:—

Amending section 19 of Shops and Offices Amendment Act, 1927 (as to exemptions from closing-hour provisions). See Reprint of Statutes, Vol. III, p. 285

- (a) By adding to subsection two the words “ and to be sent to the Inspector and to the industrial union of workers registered in respect of shop-assistants employed in the particular trade in the district and to the industrial union of employers registered in respect of the occupiers of shops in the particular trade in the district ”:
- (b) By inserting in subsection three, after the word “ affected ”, the words “ and any representative of such industrial union of workers or employers as aforesaid ”:
- (c) By omitting from subsection four the word “ substantially ”, and substituting the word “ unfairly ”:
- (d) By inserting in subsection seven, after the words “ affected by such order ”, the words “ or any such industrial union of workers or employers as aforesaid ”:
- (e) By inserting, after subsection seven, the following new subsection:—

“(7A) Subject to the provisions of subsection seven of this section, while any order made in respect of any shop under the foregoing provisions of this section is in force it shall continue to apply to that shop notwithstanding that any occupier for the time being of the shop is not the person who was the occupier thereof when the order was made, and, in the case of an order relating to an award, notwithstanding the provisions of any award made in substitution therefor:

“ Provided that if any occupier carries on in the shop any class of business which was not carried on in that shop at the time when the order was made the order shall thereupon cease to apply to that shop and shall be deemed to be cancelled in respect thereof.”

Valuation of Land

While
Servicemen's
Settlement and
Land Sales Act,
1943, remains in
force,
valuations of
land to conform
to basic value
under that Act.
See Reprint
of Statutes,
Vol. VII, p. 1030
1943, No. 16

45. (1) This section shall be read together with and deemed part of the Valuation of Land Act, 1925 (in this section referred to as the principal Act).

(2) While the Servicemen's Settlement and Land Sales Act, 1943, continues in force, the Valuer-General in making a valuation of any land under the principal Act shall fix an amount which in his opinion does not exceed the amount that would, in the event of a sale of the land on the date from which the valuation takes effect, be held to be the basic value of the land within the meaning of the Servicemen's Settlement and Land Sales Act, 1943.

Procedure as
to objections.

46. The Valuation of Land Act, 1925, is hereby amended by inserting, after section fourteen, the following new section:—

“ 14A. (1) Every objection shall be considered by the Valuer-General, who may make such inquiries relating thereto as he thinks fit, and may decide that the valuation should be altered to the extent claimed in the objection or to such extent as may have been agreed upon with the objector, or may decline to make any amendment in the valuation, or may decide of his own motion to refer the objection to the Land Valuation Court constituted under the Land Valuation Court Act, 1948.

“ (2) Except where the Valuer-General decides of his own motion to refer the objection to the Land Valuation Court, he shall serve written notice of his decision on the objector and, where the objector is not also the owner of the land, on the owner thereof. Every such notice shall be sent by post and addressed to the objector or owner, as the case may be, or, where the objection was made by an agent of the objector, to that agent at his last known place of abode or business in New Zealand, and shall be deemed to have been served when it would in the ordinary course of post be delivered.

“ (3) Any person to whom notice is given under the last preceding subsection may within fourteen days after service of the notice give written notice to the Valuer-General requiring the objection to be heard by the Land Valuation Court.

“(4) If no notice referred to in the last preceding subsection is given within the said period of fourteen days, the decision of the Valuer-General shall be deemed to have been assented to by the objector and, where the objector is not also the owner of the land, by the owner thereof; and the Valuer-General shall thereupon make all such alterations in the valuation roll as are necessary to give effect to his decision which shall be final and conclusive, and which, for the purpose of levying and recovering rates and taxes, shall take effect from the date on which the valuation objected to would have taken effect had no objection been made.

“(5) The list of objections to be filed from time to time in the Land Valuation Court by the Valuer-General shall comprise those objections in respect of which he has received a notice referred to in subsection three of this section or which he has of his own motion decided to refer to the Land Valuation Court.

“(6) This section shall come into force on the first day of January, nineteen hundred and forty-nine.” Commencement.

Workers' Compensation

47. Section fourteen of the Workers' Compensation Act, 1922, is hereby amended by adding to subsection one the words “ or, in the case of a claim by or on behalf of a partial dependant of a deceased worker, in respect of any gain, whether to the estate of the deceased worker or to that dependant, that is consequent on the death of the deceased worker ”.

In assessing compensation, no account to be taken of any gain to dependants consequent on the death of a deceased worker.

See Reprint of Statutes, Vol. V, p. 613