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1951, No. 81

Title. AN ACT to amend certain enactments of the General Assembly. [6 December 1951]

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

Short Title. 1. This Act may be cited as the Statutes Amendment Act 1951.

Canterbury University College

Constitution of Council. 1933, No. 27

2. (1) This section shall be read together with and deemed part of the Canterbury University College Act 1933 (in this section referred to as the principal Act).

(2) Section five of the principal Act is hereby amended by repealing paragraph (b) of subsection two, and substituting the following paragraph:—

“(b) Three members to be elected by such of the members of the House of Representatives as for the time being represent electoral districts within the Canterbury University District constituted under the New Zealand University Act 1908:”.

See Serial number 1949/70

(3) Section five of the principal Act is hereby further amended by repealing paragraph (f) of subsection two, and substituting the following paragraph:—

“(f) Two members, being members of the Professorial Board, or if there is no Rector in Office three such members, to be appointed by the Professorial Board:”.

(4) Section five of the principal Act is hereby further amended by adding to subsection two the following paragraphs:—

“(h) One member to be appointed by the full-time lecturers of the College who are not members of the Professorial Board:

“(i) One member to be appointed by the Executive of the Canterbury University College Students’ Association, Incorporated:

“(j) One member to be appointed by the Council.”

(5) Section five of the principal Act is hereby further amended by omitting from subsection five the word “two”, and substituting the word “three”.

(6) The additional members to be appointed or elected to the Council in accordance with this section shall be appointed or elected as soon as practicable after the commencement of this section and shall come into office upon their appointment or election.

(7) The first member to be appointed to the Council under paragraph (h) of subsection two of section five of the principal Act (as set out in subsection four of this section) shall hold office for a term expiring on the thirtieth day of June, nineteen hundred and fifty-three.

Counties

3. This section and the next three succeeding sections shall be read together with and deemed part of the Counties Act 1920 (in those sections referred to as the principal Act).

Sections to be read with Counties Act 1920.

See Reprint of Statutes, Vol. V, p. 180

4. (1) The Council may from time to time purchase, or take as for a public work under the Public Works Act 1928, any area of land in the county that is situated within a county township constituted under Part I of the Counties Amendment Act 1949 for subdivision into allotments for housing purposes. Land may be purchased or taken under this subsection whether or not there are buildings on the land.

County Councils may acquire land for subdivision.

Ibid.
Vol. VII, p. 622
1949, No. 27

(2) The Council may subdivide or re-subdivide any land acquired as aforesaid, and any other land situated in a county township within the county vested in the Council and not held upon trust for any particular purpose other than housing, into suitable allotments for housing purposes, and may construct roads thereon, and provide services, and develop the land as allotments for housing purposes.

Council may
sell or lease
building
allotments.

5. (1) The Council may sell any such allotment upon such terms as in its absolute discretion it thinks proper to any person desirous of building a dwelling-house thereon for his personal occupation or of personally occupying any dwellinghouse already on the allotment.

(2) The Council may lease any such allotment to any person desirous of building a dwellinghouse thereon for his personal occupation or of personally occupying any dwellinghouse already on the allotment. Any such lease may, if the Council so decides, be by private contract instead of by public auction or public tender or public application, but, subject to the provisions of this section, the provisions of section one hundred and ninety-three of the principal Act (as to the letting of land for the purposes of workers' dwellings) shall, with the necessary modifications, apply with respect to every such lease.

(3) The Council may in its discretion refuse to sell or lease to any person without giving reasons for its refusal.

(4) The prices to be charged by the Council on the sale of allotments as aforesaid shall be calculated so as to return to the Council the actual cost of the land to the Council and the development thereof (including survey fees and the cost of the provision of services) plus the further sum of five per cent to cover administrative charges:

Provided that it shall not be competent for any person to question the price put on any allotment by the Council.

(5) The Council may sell or lease any land which it has acquired under section four of this Act and which it may at any time consider to be unsuitable for, or in excess of what it requires for, the purposes of that section to such persons and upon such terms as the Council thinks fit.

6. The Council may from time to time raise a special loan under the Local Bodies' Loans Act 1926 for the purpose of providing moneys out of which the Council may meet the cost of acquiring, subdividing, and developing lands, providing services, and constructing roads under section four of this Act.

Borrowing
powers of
Councils.
See Reprint
of Statutes,
Vol. V, p. 360

Dairy Industry

7. The Dairy Industry Act 1908 is hereby amended by inserting, after section twenty-four, the following section:—

Bulk milk collection by dairy companies.

“24A. Where any dairy company has, either before or after the commencement of this section, with the consent of a supplier to the company, erected or placed any milk vat or any appliance that is accessory thereto on any land occupied by the supplier, then, after the commencement of this section, so long as the company has not done or suffered anything which deprives it of its ownership of the vat or appliance,—

See Reprint of Statutes, Vol. I, p. 69

“(a) The vat or appliance shall remain the property of the company and shall be deemed not to be in the possession, order, or disposition of the supplier or of any person other than the company who would otherwise be a bailee thereof:

“(b) The vat or appliance shall not in any circumstances become a fixture to the land on which it is erected or placed as aforesaid; and the company may remove the vat or appliance without being liable to pay compensation to the owner of the land or any other person:

“(c) The company may, at all reasonable times, by its servants and agents, enter on the land on which the vat or appliance is erected or placed as aforesaid for the purpose of inspecting, testing, repairing, altering, cleaning, or removing the vat or appliance:

“(d) If the occupier for the time being of the land on which the vat or appliance has been erected or placed as aforesaid is not for the time being a supplier of the company, he may, on giving one month’s notice in writing to the company, require the company to remove the vat or appliance from the land:

“(e) The ownership of any such vat or appliance shall be deemed to be an interest in land for the purposes of section one hundred and forty-six of the Land Transfer Act 1915, but for no other purpose.”

Ibid., Vol. VII, p. 1211

Education

Constitution of
Education
Boards.

See Reprint
of Statutes,
Vol. II, p. 1007

8. Section two of the Education Act 1914 is hereby amended by inserting in the definition of the term “urban area”, before the words “eight thousand”, the words “fifteen thousand or, in the case of a borough or group of adjoining boroughs which was an urban area on the first day of April, nineteen hundred and fifty-one, and has remained an urban area at all times since that date, over”.

Electoral

Sale of liquor
to Maoris on
polling day.

See Reprint
of Statutes,
Vol. VI, p. 551

9. Section one hundred and ninety-four of the Electoral Act 1927 is hereby amended by inserting, after the words “intoxicating liquor”, the words “between the hours of twelve o’clock noon and seven o’clock in the evening”.

Electrical Supply Authorities Association

Change of
name of
Electric Power
Boards and
Supply
Authorities
Association
and Title of
Act.

See Reprint
of Statutes,
Vol. III, p. 67

10. (1) This section shall be read together with and deemed part of the Act heretofore known as the Electric Power Boards and Supply Authorities Association Act 1930 (in this section and the next succeeding section referred to as the principal Act).

(2) The principal Act may hereafter be cited as the Electrical Supply Authorities Association Act 1930.

(3) The principal Act is hereby consequentially amended by omitting from the Title and from section one and from section three the words “the Electric Power Boards and”, and substituting the words “the Electrical”.

(4) Every reference in any enactment or instrument to the Electric Power Boards and Supply Authorities Association of New Zealand shall hereafter be read as a reference to the Electrical Supply Authorities Association of New Zealand.

President and
Executive
Committee.

11. (1) Section nine of the principal Act is hereby amended by repealing subsection one, and substituting the following subsection:—

“(1) The President shall be appointed in accordance with subsection two of section ten of this Act.”

(2) Section ten of the principal Act is hereby amended by repealing subsections one and two, and substituting the following subsections:—

“(1) There shall be an *Executive Committee* of the Association, consisting of—

- “(a) The President of the Association:
- “(b) One member appointed by the Auckland Electric Power Board who shall at the time of his appointment be a member of that Board and shall cease to be a member of the Executive Committee if that Board ceases to be a member of the Association:
- “(c) One member appointed by the Wellington City Council who shall at the time of his appointment be a member of that Council and shall cease to be a member of the Executive Committee if that Council ceases to be a member of the Association:
- “(d) One member appointed by the Christchurch City Council who shall at the time of his appointment be a member of that Council and shall cease to be a member of the Executive Committee if that Council ceases to be a member of the Association:
- “(e) One member appointed by the Dunedin City Council who shall at the time of his appointment be a member of that Council and shall cease to be a member of the Executive Committee if that Council ceases to be a member of the Association:
- “(f) One member who shall be elected by the Supply Authorities that are members of the Association and who shall at the time of his election be a member of an Electrical Supply Authority in the North Island:
- “(g) One member who shall be elected by the Supply Authorities that are members of the Association and who shall at the time of his election be a member of an Electrical Supply Authority in the South Island:
- “(h) Four members who shall be elected by Electric Power Boards that are members of the Association and who shall at the time of their election be members of Electric Power Boards in the North Island:

“(i) Two members who shall be elected by Electric Power Boards that are members of the Association and who shall at the time of their election be members of Electric Power Boards in the South Island:

“(j) The President for the time being of the Electric Supply Authority Engineers’ Institute of New Zealand (Incorporated):

“(k) The President for the time being of the Secretaries’ Association of the Electrical Supply Authorities Association.

“(2) The President and the other elected or appointed members of the Executive Committee shall be elected or appointed annually as hereinafter provided and shall come into office at the conclusion of the annual meeting of the Association immediately following their election or appointment. The election of the President and other elected members of the Executive Committee shall be conducted by postal ballot. A nomination paper in respect of every candidate for any such election shall be delivered to or otherwise placed in the hands of the Secretary not less than twenty-eight clear days before the date of the annual meeting of the Association in the year in which the election is held; and the completed ballot papers shall be delivered to or otherwise placed in the hands of the Secretary not less than seven clear days before that date.

“(2A) The President and every other elected or appointed member of the Executive Committee shall continue in office until his successor comes into office as aforesaid, and may from time to time be re-elected or re-appointed.”

(3) Section ten of the principal Act is hereby further amended by omitting from subsection four the word “ five ”, and substituting the word “ eight ”.

Food and Drugs

12. Section sixteen of the Food and Drugs Act 1947 is hereby amended by adding the following subsection:—

“(6) Notwithstanding anything in this section, where—

“(a) A sample of milk, cream, ice cream, or any other perishable food being a product of milk is procured only for bacteriological analysis; or

“(b) A sample of milk is procured only for examination by the freezing-point test for added water; or

“(c) A sample of milk is procured for bacteriological analysis and examination by the freezing-point test as aforesaid,—

the officer may deliver the whole sample to the Analyst instead of dividing it into parts, unless the seller or his agent or servant requires him to leave a part, in which case the officer shall divide the sample into two parts and, after marking and sealing them as aforesaid, leave one part and deliver the other to the Analyst:

“Provided that where the food is bottled milk or bottled cream, and the officer is required to leave a part as aforesaid, it shall be sufficient compliance with that requirement if the officer selects, marks, and seals two bottles of milk or cream, as the case may require, and leaves one of them with the seller or his agent or servant.”

Housing Improvement

13. (1) Section five of the Housing Improvement Act 1945 is hereby amended by repealing the proviso to paragraph (b) of subsection one, and substituting the following proviso:—

Alternative accommodation for persons residing in house at time of notice to pull down.
1945, No. 17

“Provided that the local authority shall not require that any house be pulled down unless it is unoccupied at the time of the service of the notice or the local authority is satisfied that suitable alternative accommodation will be available for the persons residing in the house at that time.”

(2) Section six of the Housing Improvement Act 1945 is hereby amended by repealing the proviso to subsection two, and substituting the following proviso:—

“Provided that no offence shall be deemed to be committed under this section in respect of the continued occupation of any person who was residing in the house at the time of the service of the notice unless suitable alternative accommodation has been offered to him at or after that time and he has failed or refused to accept it.”

(3) The said section six is hereby consequentially amended by omitting from subsection three the words “after suitable alternative accommodation has been offered to him”, and substituting the words “in contravention of subsection two of this section”.

Infants

Power of infant to enter into contract with prior approval of Magistrate's Court.

See Reprint of Statutes, Vol. III, p. 1069

14. The Infants Act 1908 is hereby amended by inserting, after section twelve, the following section:—

“ 12A. (1) Notwithstanding anything in this Act or in any other Act or any rule of law, no contract shall be void or voidable by reason of any party thereto being an infant if, before the contract is entered into by the infant, it has been approved under this section on behalf of the infant by a Magistrate's Court.

“(2) Any application to a Magistrate's Court under this section may be made by the infant on whose behalf the contract is to be approved or by a parent or guardian of the infant.

“(3) The Court may, in its discretion, refer any such application to a parent or guardian of the infant, or, where the Court deems it necessary for the purposes of the application, to a solicitor nominated by the Court, or to the Public Trustee or the Maori Trustee, or to any other person, and may order the applicant to pay the reasonable costs and expenses of any person to whom the application is so referred. Any person to whom the application is so referred may file a report in the Magistrate's Court setting out the results of his consideration and examination of the application and making in respect thereof such recommendations as he thinks proper, and may appear and be heard at the hearing of the application; but no such person shall be under any obligation to consider or examine any such application until his reasonable costs and expenses have been paid or secured to his satisfaction.”

Consents required before adoption.

15. (1) Section eighteen of the Infants Act 1908 is hereby amended by adding to paragraph (e) of subsection one the following proviso:—

“ Provided that the Judge may dispense with the consent required as aforesaid under this paragraph in any case where the Superintendent of the Child Welfare Division of the Department of Education consents to the adoption, and—

“(i) Each parent of the child is dead or unknown or missing or of unsound mind and the child has no legal guardian who is living and of sound mind; or

“(ii) A licence has been granted in respect of the child under section forty of the Adoption Act 1950 of the Parliament of the United Kingdom or under the corresponding provisions of any former or subsequent Act of that Parliament.”

14 Geo. VI,
ch. 26 •

(2) Section seventeen of the Statutes Amendment Act 1943 is hereby consequentially repealed.

Repeal.
1943, No. 20

Land Settlement Finance

16. (1) Section eight of the Land Settlement Finance Amendment Act 1910 is hereby repealed.

Removing restrictions on transfer of land acquired from land settlement associations.

(2) As from the passing of this Act any land which is then subject to the provisions of section eight of the Land Settlement Finance Amendment Act 1910, or of section twenty-five of the Land Settlement Finance Act 1909 by virtue of subsection fourteen of the said section eight, shall cease to be so subject, and the District Land Registrar is hereby authorized to make, without payment of any fee, all necessary amendments to any certificate of title and to the register book.

See Reprint of Statutes, Vol. IV, p. 947

(3) Section twenty-seven of the Land Laws Amendment Act 1919 is hereby consequentially repealed.

Repeal.
Ibid., p. 950

Land Subdivision in Counties

17. Section twelve of the Land Subdivision in Counties Act 1946 is hereby amended by repealing the proviso to subsection six, and substituting the following proviso:—

Appeal against Minister's decision as to value of building allotments.

“ Provided that any person aggrieved by a determination of the Minister as to the value of the building allotments may appeal in the prescribed manner to the Land Valuation Court against the determination, and the decision of the Court thereon shall be final and conclusive.”

1946, No. 23

Nassella Tussock

18. The Nassella Tussock Act 1946 is hereby amended by inserting, after section nine, the following section:—

Offence to fail to comply with notice to eradicate or control nassella tussock.

“ 9A. (1) Every owner of any private land who fails or neglects to comply with any notice that is served on him under subsection one of section eight of this Act and is not cancelled or for the time being suspended as a result of an appeal commits an offence against this Act.

1946, No. 2

“(2) A person who is convicted of any offence under this section shall not thereby be relieved from the obligation to comply with the requirements of any such notice, but shall do so within two months after the date of his conviction; and if he fails to comply with this requirement he shall be deemed to have committed a further offence against this Act.”

Nelson College

Constitution
of Council of
Governors of
Nelson College.
1931, No. 5
1858, No. 38

19. (1) This section and section thirty-eight of the Finance Act 1931 (No. 2) shall be read together with and deemed part of the Nelson College Act 1858.

(2) Subsection one of section thirty-eight of the Finance Act 1931 (No. 2) is hereby amended—

(a) By omitting the words “ Five Governors ”, and substituting the words “ Two Governors ”:

(b) By omitting the words “ Two Governors elected by the parents ”, and substituting the words “ Three Governors elected by the parents ”:

(c) By adding the following words:—

“ One Governor appointed by the Executive of the Old Pupils’ Association of Nelson College, Incorporated:

“ One Governor appointed by the Executive of the Old Pupils’ Association of Nelson Girls’ College.”

(3) This section shall come into force on the first day of June, nineteen hundred and fifty-two.

New Zealand University

Agricultural
Colleges to have
representatives
on Senate.

See Reprint
of Statutes,
Vol. II, p. 1139
1946, No. 40

20. (1) Section four of the New Zealand University Amendment Act 1926 (as amended by section sixty-three of the Statutes Amendment Act 1946) is hereby further amended by adding to subsection two the following paragraphs:—

“(h) One member to be appointed by the Board of Governors of the Massey Agricultural College:

“(i) One member to be appointed by the Board of Governors of the Canterbury Agricultural College.”

(2) Section four of the New Zealand University Amendment Act 1926 is hereby further amended by omitting from subsection five the words “and (e)”, and substituting the words “(e), (h), and (i)”.

(3) The member of the Senate of the University of New Zealand who was last appointed by the Council of the School of Agriculture before the commencement of this section shall go out of office upon the commencement of this section.

(4) This section shall come into force on the first day of January, nineteen hundred and fifty-two.

Nurses and Midwives

21. Section twenty-eight of the Nurses and Midwives Act 1945 is hereby amended as follows:—

Section 28 of Nurses and Midwives Act 1945 (as to annual practising certificates) amended. 1945, No. 7

(a) By inserting in subsection four, after the words “under this Act”, the words “and on payment of the prescribed fee”:

(b) By adding to subsection five the words “and has paid the prescribed fee”.

22. (1) Section forty-one of the Nurses and Midwives Act 1945 is hereby amended by inserting, after subsection two, the following subsection:—

Power to make regulations as to practice of midwifery and maternity nursing.

“(2A) Without limiting the generality of the foregoing provisions of this section, it is hereby declared that such regulations may be made under this section in respect of the practice by midwives and maternity nurses of their profession (whether on their own account or otherwise) as may in the opinion of the Governor-General be necessary or expedient for all or any of the following purposes:—

“(a) Safeguarding the health of patients and infants:

“(b) Preventing the occurrence or spread of any infection:

“(c) Prohibiting or restricting the use by midwives or maternity nurses, except by medical direction or under medical supervision, or except in circumstances to be defined by regulations, of any instruments or drugs in the performance of their duties:

“(d) Prescribing methods and procedures to be followed in respect of all or any of the aforesaid matters:

“(e) Prescribing precautions to be taken and requirements to be complied with in respect of all or any of the aforesaid matters.”

Repeal.

(2) The said section forty-one is hereby further amended by repealing paragraph (i) of subsection two.

Public Works

Basis of compensation.
See Reprint of Statutes, Vol. VII, p. 622 1944, No. 31

23. (1) This section shall be read together with and deemed part of the Public Works Act 1928.

(2) Section twenty-nine of the Finance Act (No. 3) 1944 is hereby amended by omitting from subsection two the words “and for the purposes of any compensation claim arising during that period in respect of any work included in the comprehensive public work or scheme the specified date for the purposes of the last preceding subsection shall be the date of the first publication of the notice”, and substituting the words “and may at any time be revoked or amended by notice gazetted and publicly notified”.

(3) Section twenty-nine of the Finance Act (No. 3) 1944 is hereby further amended by repealing subsection three and substituting the following subsection:—

“(3) In this section the term ‘specified date’ means—

“(a) In the case of any claim in respect of land of the claimant which has been taken pursuant to sections twenty-two and twenty-three of the principal Act, the date on which the land became by Proclamation vested in the Crown or in the local authority, as the case may be:

“(b) In the case of any other claim in respect of land of the claimant which has been taken for any work, the date on which the land became by Proclamation or Order in Council vested in the Crown or in the local authority, as the case may be, or the date on which the land was first entered upon for the purpose of the construction or carrying out of the work, whichever is the earlier:

“(c) In the case of any claim in respect of any work where no land of the claimant has been taken, the date of the commencement of the

execution of the portion of the work that causes damage to or injuriously affects the land of the claimant.”

(4) The Public Works Amendment Act 1948 is hereby amended by repealing subsection nine of section forty-three. Repeal.
1948, No. 39

(5) This section shall be deemed to have come into force on the twenty-third day of February, nineteen hundred and fifty, in respect of land which was then farm land within the meaning of the Servicemen's Settlement and Land Sales Act 1943, and on the first day of November, nineteen hundred and fifty, in respect of other land. 1943, No. 16

School of Agriculture

24. (1) The following enactments are hereby repealed:— Repeal of
School of
Agriculture
Act 1937 and
its amendments.

(a) The School of Agriculture Act 1937: 1937, No. 26

(b) Section sixty of the Statutes Amendment Act 1944. 1944, No. 25
1948, No. 68

(2) Section twenty of the Education Amendment Act 1948 is hereby amended by omitting from subsection one the words “ or the New Zealand School of Agriculture ”. 1949, No. 24

(3) Section fifteen of the Education Lands Act 1949 is hereby amended by omitting from subsection one the words “ School of Agriculture ”.

(4) This section shall come into force on the first day of January, nineteen hundred and fifty-two.

Stock

25. The Stock Act 1908 is hereby amended by inserting, after section eighty-five, the following section:— Control of
artificial
insemination
of stock.

“ 85A. (1) The Governor-General may from time to time, by Order in Council, make regulations for controlling or prohibiting the practice of artificial insemination of stock, and the distribution and sale of the semen of stock. See Reprint
of Statutes.
Vol. I, p. 338

“(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) Constituting, or providing for the constitution, appointment, or election of committees for all or any of the purposes of this section, and

defining the functions of any such committee and providing for the fees and allowances payable to the members thereof:

“(b) Providing for the licensing of premises used for the collection and storage of semen for the artificial insemination of stock, 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:

“(c) Providing for the licensing of persons engaged in the collection and storage of semen of stock or the performance of the operation of artificial insemination of stock, and for the qualifications of persons who may be so licensed; and controlling or prohibiting the collection and storage of semen of stock or the performance of the operation of artificial insemination of stock by other persons:

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

“(e) Providing for the publication from time to time of a list or lists showing the premises, persons, and stock registered, licensed, or approved under this section:

“(f) Prescribing fees for the issue of licences under this section.

“(3) All regulations made under this section may be so made as to apply generally throughout New Zealand or within any specified part or parts thereof, or within the whole of New Zealand except such part or parts as may be specified in the regulations, and may be so made as to apply to all stock or to any kind or kinds of stock or to any class or classes of any kind or kinds of stock, and may provide for the exemption of any kind or kinds of stock or of any class or classes of any kind or kinds of stock.”

Wages Protection and Contractors' Liens

26. (1) The Wages Protection and Contractors' Liens Act 1939 is hereby amended by repealing section thirty-two (as amended by section fifty-nine of the Statutes Amendment Act 1940), and substituting the following section:—

Duty to retain part of contract price.
1939, No. 27
1940, No. 18

“ 32. In addition to the amount (if any) that he is required by the last preceding section to retain, every employer or contractor, whether or not he has received any notice of lien or charge, shall retain in his hands until the expiration of thirty-one days after the completion of the work specified in the contract or subcontract the following percentage of so much of the contract price as for the time being has become immediately payable or would be so payable but for a provision inserted in the contract or subcontract to secure its retention in conformity with this Act, namely:—

“(a) Twenty-five per cent of the first two thousand pounds or part thereof:

“(b) Twenty per cent of the next eight thousand pounds or part thereof:

“(c) Fifteen per cent of the next fifteen thousand pounds or part thereof:

“(d) Ten per cent of the next seventy-five thousand pounds or part thereof:

“(e) Five per cent of any amount in excess of one hundred thousand pounds.”

(2) Section fifty-nine of the Statutes Amendment Act 1940 is hereby consequentially repealed. Repeal.