

## New Zealand.



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## 1916, No. 13.

Title. AN ACT to amend certain Enactments having Reference to the Present State of War, and to make certain Additional Provisions rendered necessary or advisable by the Continuance of such State of War. [7th August, 1916.]

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 War Legislation Amendment Act, 1916.

## PART I.

## RESTRICTION ON INCREASE OF RENT.

Restriction on raising rent.

2. (1.) Where the rent of a dwellinghouse to which this Part of this Act applies has been since the commencement of the present war, or is hereafter during the continuance of this Part of this Act, increased above the standard rent as hereinafter defined, the amount by which the rent payable exceeds the amount which would have been payable had the increase not been made shall, notwithstanding any agreement to the contrary, be irrecoverable:

Provided that—

(a.) This Part of this Act shall not apply to any rent which accrued due before the passing of this Act; and

(b.) Where the landlord has since the commencement of the present war incurred, or during the continuance of this Part of this Act incurs, expenditure on the improvement or structural alteration of a dwellinghouse (not including expenditure on decoration or repairs), an increase of rent at a rate not exceeding eight per centum per annum on the amount so expended shall not be deemed to be an increase for the purposes of this Part of this Act.

(2.) Any transfer to a tenant of any burden or liability previously borne by the landlord shall for the purposes of this Part of this Act be treated as an alteration of rent; and where, as the result of such a transfer, the terms on which a dwellinghouse is held are on the whole less favourable to the tenant than the previous terms the rent shall be deemed to be increased, whether or not the sum periodically

payable by way of rent is increased; and any increase of rent in respect of any transfer to a landlord of any burden or liability previously borne by the tenant where, as the result of such transfer, the terms on which a dwellinghouse is held are on the whole not less favourable to the tenant than the previous terms shall be deemed not to be an increase of rent for the purposes of this Part of this Act. If any question arises under this subsection it shall be determined by a Stipendiary Magistrate, whose decision shall be final and conclusive.

(3.) Where the landlord pays the rates chargeable on the occupier of any dwellinghouse, an increase of the rent of the dwellinghouse shall not be deemed to be an increase for the purposes of this Part of this Act if the amount of the increase does not exceed any increase in the amount for the time being payable by the landlord in respect of such rates over the corresponding amount paid in respect of the yearly, half-yearly, or other period which included the third day of August, nineteen hundred and fourteen.

3. (1.) Wherever an increase of rent is by this Part of this Act permitted, no such increase shall be due or recoverable until the expiry of twenty-eight days after the landlord has served upon the tenant a notice in writing of his intention to increase the rent, accompanied,—

Notice of intention to increase rent.

(a.) Where the increase of rent is on account of such expenditure as is mentioned in paragraph (b) of subsection one of section two hereof, by a statement of the improvements or alterations effected and of their cost; and

(b.) Where the increase of rent is on account of an increase in rates, by a statement showing particulars of the increased amount charged in respect of rates on the dwellinghouse.

(2.) Where a notice under paragraph (a) or paragraph (b) of the last preceding subsection has been served on any tenant the increase may be continued without service of any fresh notice on any subsequent tenant.

4. A person shall not in consideration of the grant, renewal, or continuance of a tenancy of any dwellinghouse to which this Part of this Act applies require the payment of any fine, premium, or other like sum in addition to the rent; and where any such payment is made in respect of any such dwellinghouse after the passing of this Act, then the amount shall be recoverable by the tenant by whom it was made from the landlord, and may without prejudice to any other method of recovery be deducted from any rent payable by him to the landlord; but this provision shall not apply to any payment under an agreement entered into before the fourth day of August, nineteen hundred and fourteen.

No fine or premium to be chargeable in respect of renewal of tenancy.

5. (1.) No order for the recovery of possession of a dwellinghouse to which this Part of this Act applies, or for the ejectment of a tenant therefrom, shall be made so long as the tenant continues to pay rent at the agreed rate as modified by this Part of this Act and performs the other conditions of the tenancy, except on the ground that the tenant has failed to take reasonable care of the premises, or has committed waste, or has been guilty of conduct which is a nuisance or an annoyance to adjoining or neighbouring occupiers, or that the

Modification of law as to orders for recovery of possession of dwellings.

premises are reasonably required by the landlord for the occupation of himself or of some person in his employ, or that an agreement for the sale of the premises has been duly entered into, to be completed by transfer within one month from the date thereof, and that the premises are required by the purchaser for the occupation of himself or some other person in his employ, or on some other ground which may be deemed satisfactory by the Court making such order.

(2.) Where an order for the recovery of possession of a dwelling-house has been made but not executed before the passing of this Act, the Court by which the order was made may, if it is of opinion that the order would not have been made if this Act had been in operation at the date of the making of the order, rescind or vary the order in such manner as the Court may think fit for the purpose of giving effect to this Part of this Act.

**Interpretation.**

6. For the purposes of this Part of this Act, except where the context otherwise requires,—

(a.) The expression “standard rent” means the rent at which the dwellinghouse was let on the third day of August, nineteen hundred and fourteen, or where the dwellinghouse was not let on that date the rent at which it was last let before that date, or in the case of a dwellinghouse which was first let after the said third day of August the rent at which it was first let, or means at the option of the tenant only the lowest rent at which the dwellinghouse was let at any time between the third day of August, nineteen hundred and fourteen, and the thirty-first day of December, nineteen hundred and fifteen :

Provided that if the standard rent as herein defined, computed for a period of one year, is in any case less than eight per centum of the capital value of the dwellinghouse the standard rent computed for the same period shall in lieu of the standard rent as so defined be deemed to be an amount equal to eight per centum of such capital value.

(b.) The expressions “landlord” and “tenant” include any person from time to time deriving title under the original landlord or tenant.

**How capital value to be ascertained.**

7. (1.) The capital value of any dwellinghouse for the purposes of this Part of this Act shall be such value as may be agreed on between the landlord and the tenant, and, in default of agreement, shall be the capital value as determined by a Stipendiary Magistrate for the purposes of this Part of this Act, on application in that behalf either by the landlord or by the tenant.

(2.) For the purpose of ascertaining the capital value of any dwellinghouse for the purposes of this Part of this Act the Magistrate may hear such evidence as he thinks fit, or may, if he thinks fit, accept a valuation made for the purposes of this Part of this Act by any accredited valuer approved for the purpose by the Minister of Labour.

(3.) The costs of any inquiry under this section shall be borne either by the landlord or by the tenant as the Magistrate may direct, or may be apportioned between them in such manner as the Magistrate may direct.

8. (1.) This Part of this Act shall apply to a house or to any part of a house let as a separate dwelling where such letting does not include any land other than the site of the dwellinghouse and a garden or other premises in connection therewith, and where the annual amount of the standard rent of the house or part of the house does not exceed one hundred and four pounds per annum, and every such house or part of a house shall be deemed to be a dwellinghouse to which this Part of this Act applies:

Application of provisions of this Part of Act.

Provided that this Part of this Act shall not apply to a dwellinghouse let at a rent which includes payments in respect of board, attendance, or use of furniture.

(2.) Where this Part of this Act has become applicable to any dwellinghouse it shall continue to apply thereto whether or not the dwellinghouse continues to be a dwellinghouse to which it would but for the provisions of this subsection apply.

9. No person shall be entitled to distrain for any rent which is declared by section two of this Act to be irrecoverable.

Limitation of right to distrain for rent.

10. (1.) This Part of this Act shall remain in force during the continuance of the present war with Germany and for six months thereafter, and shall thereupon be deemed to be repealed.

Duration of this Part of Act.

(2.) The expiration of this Part of this Act shall not render recoverable any rent which during the continuance thereof was irrecoverable, or affect the right of a tenant to recover any sum which during the continuance thereof was under this Part of this Act recoverable by him.

## PART II.

### LAND LAWS AMENDMENT.

11. (1.) Section twenty-four of the Land Laws Amendment Act, 1915, is hereby extended so as to authorize agents to apply for land on behalf of persons who, not being members of an Expeditionary Force, may be engaged on military service beyond New Zealand, if such persons immediately prior to the commencement of the present war were *bona fide* residents of New Zealand.

Extension of section 24 of Land Laws Amendment Act, 1915 (relating to applications for land by agents on behalf of members of Expeditionary Forces).

(2.) For the purposes of this section residence in New Zealand shall not be deemed to have been affected by temporary absence therefrom if the Board is satisfied that during such absence the person on whose behalf any application is made had a fixed intention of returning to New Zealand for the purpose of residing there.

(3.) The provisions of the said section twenty-four as to applications on behalf of members of an Expeditionary Force shall, with the necessary modifications, apply to applications under this section.

(4.) The power to apply for land under the said section twenty-four and this section shall include the power to acquire at auction a lease or license of any land.

12. The provisions of paragraph (d) of section fifty-one of the Land for Settlements Act, 1908 (fixing the age-limit of applicants for land under that Act), shall not apply in the case of applications by or on behalf of persons engaged on military service beyond New

Age-limit of applicants for land not to apply in cases where applicants have been engaged on military service.

Zealand in connection with the present war, or in the case of applications by persons who may have been discharged from such service.

Power to postpone dates of payment of instalments of principal and interest by licensees of Crown land who are members of the Expeditionary Force.

13. (1.) While any person, being the holder of a license to occupy any Crown or settlement land pending the completion by him of the purchase of that land pursuant to a contract entered into under any statutory authority, is a member of the New Zealand Expeditionary Force raised for military service beyond New Zealand in connection with the present war the following provisions shall apply.

(2.) The Minister of Lands may postpone, for such period as he thinks fit, the due date of payment of any instalment of the purchase-money that may become due and payable at any time while the licensee is a member of the Expeditionary Force as aforesaid or that may become due and payable at any time within six months after the licensee has ceased to be a member of the said Force; and may, subject to such conditions as he thinks fit, exempt any such licensee either wholly or in part from the payment of any interest on unpaid purchase-money that may become due and payable during the periods aforesaid, or may postpone the date for the payment of any such interest.

(3.) For the purpose of giving effect to the provisions of this section the Minister of Lands may extend the time allowed to a licensee for the completion of his purchase by such period, not exceeding three years, as he thinks fit.

(4.) The District Land Registrar of the district in which is situated any land comprised in a license to which this section relates, on production to him of a certificate under the hand of the Commissioner of Crown Lands certifying that the term of that license has been extended under this section, shall enter on the registered copy of the license a memorial that the term of the license has been so extended to a date to be specified in the said memorial.

### PART III.

#### EDUCATION ACT AMENDMENT.

Provision for appointment of temporary teachers during the period of the war.

14. (1.) Notwithstanding anything to the contrary in the Education Act, 1914, it shall be lawful for an Education Board, at any time during the continuance of the present war or within six months thereafter, to appoint as temporary teachers such persons as it thinks fit, whether such persons are certificated teachers or persons holding a license to teach or not.

(2.) Appointments under this section shall be terminable, either by the Board or the person holding the appointment, by one month's notice in writing, and no such appointment shall continue for more than twelve months after the termination of the present war:

Provided that nothing in this subsection shall be deemed to prohibit the appointment under the Education Act, 1914, either permanently or temporarily, of any person whose appointment under this section has been terminated by effluxion of time.

(3.) If any person appointed under this section who is the holder of a teacher's certificate or of a license to teach continues in the service of the Board for more than three months after the date of his

appointment, he shall be entitled to become a contributor to the Teachers' Superannuation Fund as from the date of his appointment, on the conditions prescribed by section twenty-three of the Public Service Classification and Superannuation Amendment Act, 1908, as if he were then first permanently employed in the Education service, and shall, for the purpose of computing the benefits to which he may thereafter become entitled from that fund, be entitled to count the whole period of his temporary service under this section.

(4.) The provisions of subsection nine of section seventy-nine of the Education Act, 1914, shall not apply to persons appointed as temporary teachers under this section, and persons so appointed shall receive such salaries as the Board may determine :

Provided that in no case shall the salary payable to any such teacher be greater than the salary to which he would be entitled under the Education Act, 1914, if he were permanently appointed to the position to which he has been temporarily appointed.

(5.) All salaries payable under this section may be reviewed by the Minister of Education, but shall not be increased by him beyond the limit allowed by the last preceding subsection.

(6.) This section shall be deemed to have been in operation as from the commencement of the Education Act, 1914.

15. (1.) Notwithstanding anything in section seventy-seven of the Education Act, 1914, or in the Fifth Schedule to that Act, the Minister of Education may, while this section remains in force, modify the provisions of the said Fifth Schedule so as to provide for a less number of teachers of any grade, or of pupil-teachers, for any public school or Native school than is provided for by the said Fifth Schedule.

Temporary modification of provisions as to staffing of public schools.

(2.) Any modification pursuant to this section of the said Fifth Schedule may relate generally to all public and Native schools in New Zealand, or may relate to the public and Native schools in any education district, or may relate specifically to any public or Native school. Such modification shall be effected either by a notice in the *Gazette*, or by a direction in writing under the hand of the Minister addressed to the Education Board or other authority having control of any public or Native school to be affected by such modification.

(3.) While any modification of the said Fifth Schedule remains in force with respect to any public school or Native school the Minister of Education may authorize the payment to any teacher or pupil-teacher employed in that school of an allowance in addition to his salary, as remuneration in respect of the additional duties imposed on such teacher or pupil-teacher by reason of the reduction of the number of teachers employed in the school.

(4.) This section shall remain in force during the continuance of the present war with Germany and for six months thereafter.

16. (1.) The rates of payment to secondary schools, as prescribed in the Tenth Schedule to the Education Act, 1914, may while this section remains in force be paid in full, notwithstanding that the conditions specified by the said Schedule have not been complied with, if in lieu of those conditions other conditions relating to the salaries and staffs of such schools, as approved by the Minister of Education, have been complied with :

Temporary modification of provisions of Tenth Schedule to Education Act, 1914.

Provided that if in any year the amount required to be expended in respect of any school upon the salaries of the teaching staff and on incidental expenses of that school is less than the amount required to be so expended by paragraph (vi) of the proviso to the said Tenth Schedule, an amount equal to the deficiency shall be deducted from the amount that would otherwise be payable in respect of that school in accordance with the said Schedule and this section.

(2.) This section shall continue in force until the thirty-first day of December, nineteen hundred and eighteen, and shall thereupon be deemed to be repealed:

Provided that the repeal of this section shall not be deemed to render illegal the payment after the said thirty-first day of December, nineteen hundred and eighteen, of any moneys due on that date, or payable in respect of the year ending on that date.

#### PART IV.

##### GOVERNMENT SUPERANNUATION FUNDS.

Restoration of rights to superannuation of certain persons who have retired from Government or Education service for purpose of enlisting.

17. (1.) If any person who, on the fourth day of August, nineteen hundred and fourteen, was a contributor—

(a.) To the Public Service Superannuation Fund; or

(b.) To the Teachers' Superannuation Fund; or

(c.) To the Government Railways Superannuation Fund—

has before the passing of this Act voluntarily retired from the Public Service, the Education service, or the service of the Government Railways Department for the purpose of joining the New Zealand Expeditionary Force or any other portion of His Majesty's Forces for service beyond New Zealand in connection with the present war, and is subsequently reappointed (whether before or after the passing of this Act) to any position in the service from which he so retired, his period of continuous service for purposes of superannuation shall be deemed to include the period elapsing between the date of his retirement as aforesaid and the date of his reappointment, if within twelve months from the date of his reappointment or the passing of this Act (whichever is the later) there is paid into the appropriate fund, by him or on his behalf, the amount (if any) received by him from that fund on his retirement, together with the amount (as computed by the Superannuation Board) that would have been payable by him by way of contributions to the fund if he had been granted leave of absence for the period during which he was out of the service.

(2.) If any question arises as to the amount to be paid by any contributor under this section, the question shall be determined by the appropriate Superannuation Board, and the decision of the Board shall be final.

(3.) The payments required to be made by a contributor under this section may be made by instalments or otherwise, as the Board may determine, and, where made by instalments, may extend over such period as the Board thinks fit, not exceeding three years from the date of the reappointment of the contributor.

## PART V.

## MISCELLANEOUS.

*Registration of Deaths of Members of the New Zealand Expeditionary Forces, and others.*

18. (1.) The Registrar-General appointed under the Births and Deaths Registration Act, 1908, shall compile a register in the prescribed form containing, so far as practicable, the particulars hereinafter specified with respect to all persons who are proved to the satisfaction of the Registrar-General to have died, whether before or after the passing of this Act, while out of New Zealand on service in some capacity in connection with the present war, and who at the time of their deaths were domiciled in New Zealand.

Provision for the registration of the deaths out of New Zealand of members of New Zealand Expeditionary Forces, and others.

(2.) The register compiled under this section shall, with respect to each person whose death is registered therein, contain particulars (so far as may be ascertained) as to,—

- (a.) The name of the deceased person;
- (b.) His occupation and usual place of abode prior to his departure from New Zealand;
- (c.) His birthplace and parentage;
- (d.) His age at date of death;
- (e.) The cause of death;
- (f.) The date and place of death;
- (g.) The place of burial;
- (h.) The condition of deceased at the time of his death (whether married or single, or a widower, or divorced);
- (i.) Particulars as to his military or naval rank or rating (if any);
- (j.) Particulars as to the source of the information from which the aforesaid particulars are obtained; and
- (k.) Particulars as to such other matters as may from time to time be prescribed.

(3.) In proof of the death in any place out of New Zealand of any person to whom this section relates, the Registrar-General may accept a certificate under the hand of an officer of the Defence Forces or of any other person authorized in that behalf by the Minister of Defence, or may accept such other proof of death, and of the several particulars required to be registered under this section, as he deems sufficient.

(4.) A certified copy of any entry in the register compiled under this section, made or given and purporting to be signed by the Registrar-General, shall be received in any Court of justice as *prima facie* evidence of the fact of the death to which the same relates.

(5.) The Governor may from time to time, by Order in Council gazetted, make regulations prescribing the matters as to which particulars may be registered under this section, in addition to the matters specified in subsection two hereof, and generally for the purpose of giving effect to the provisions of this section.

*Companies Amendment.*

Increasing powers of dairy companies with respect to engaging in cognate industries.

19. Notwithstanding anything in the Companies Act, 1908, or in the memorandum or articles of association of any company having for its object or for one of its objects the manufacture of butter or of cheese, it shall be lawful for such company, without complying with the provisions of the Companies Act, 1908, relating to the alteration of the memorandum or articles of association of companies,—

- (a.) To carry on the business of the manufacture of rennet, casein, sugar of milk, or butter-boxes, or the manufacture of any other article or product connected with or required for the dairy industry; or
- (b.) To purchase shares in, or to otherwise assist, any other company lawfully engaged in the business of the manufacture of any such article or product as aforesaid.

*Fencing Act Amendment.*

Section 41 of Fencing Act (relating to half cost of fencing) modified.

20. (1.) Notwithstanding anything in section forty-one of the Fencing Act, 1908, while this section remains in force the maximum price payable under that Act in respect of the half cost of erecting a fence shall be such sum as may from time to time be fixed by the Governor by Order in Council, and until such Order is made or while no such Order is in force shall be as provided by subsection two of the said section forty-one.

(2.) This section shall continue in operation during the present war with Germany and for twelve months thereafter.

*Law Practitioners Amendment.*

Section 5 of Law Practitioners Act, 1908, modified with respect to solicitors who have enlisted for active service in the present war.

21. For the purposes of section five of the Law Practitioners Act, 1908, where any solicitor of the Supreme Court who has been in active practice as a solicitor or managing clerk to a solicitor has, either before or after the passing of this Act, been accepted for service with the Expeditionary Force in connection with the present war, the period of his continuous practice as a solicitor or managing clerk as aforesaid shall be deemed to include the period elapsing between the date of his acceptance for service with the Expeditionary Force and the date of his discharge from such service, and shall not be deemed to be interrupted by any period (not exceeding six months) elapsing between the date of his discharge and the date of his resuming practice as a solicitor or managing clerk:

Provided that a solicitor of the Court shall not in any case be admitted as a barrister under the said section five as amended by this section if the actual period of his practice as a solicitor or managing clerk is less in the aggregate than four years.

*Legislature Act Amendment.*

Protection of electoral rights of members of Parliament on active service.

22. (1.) Notwithstanding anything in the Legislature Act, 1908, the name of a member of Parliament shall not be removed from the roll of the district of which he is an elector by reason only of his absence from New Zealand in any case where the absence of such member is or was due to his service in any capacity with any of His Majesty's Naval or Military Forces in connection with the present war.

(2.) The honorarium payable to members of Parliament shall be paid without deduction to any member who is absent from New Zealand on service as aforesaid so long as he remains a member of Parliament.

*Legitimation Act Amendment.*

23. In any case where a man who pursuant to section six of the Legitimation Act, 1908, claims to be the father of an illegitimate child is serving out of New Zealand in any capacity with His Majesty's Naval or Military Forces in connection with the present war, it shall be deemed sufficient compliance with that section if a declaration in the form prescribed is produced to the Registrar or Deputy Registrar, and it shall not be necessary for the father to sign the registration entry in the register-book of births.

Procedure under Legitimation Act modified in certain cases.

*Local Authorities Empowering.*

24. Whereas, at the request of the Recruiting Board set up in connection with the present war with Germany, certain local authorities and other public bodies are or have been engaged in assisting the said Board, and it is expedient that the proper expenditure of such public bodies incurred in rendering such assistance should be validated, and that further expenditure should be authorized: Be it therefore enacted as follows:—

Validation of expenses incurred by local authorities in connection with recruiting.

- (a.) Any public body as aforesaid may lawfully incur any reasonable and proper expenditure in rendering assistance as aforesaid, and any such expenditure incurred before the passing of this Act shall be deemed to have been lawfully incurred.
- (b.) Any expenditure incurred as aforesaid (whether before or after the passing of this Act) shall be deemed reasonable and proper if it is certified to by the Recruiting Board or by any person authorized in that behalf by the Board.

25. (1.) In addition to the powers conferred on local authorities by section three of the Local Authorities Empowering Act, 1915, any local authority within the meaning of that Act may, while any employee of the local authority is a member of the New Zealand Expeditionary Force, pay out of its ordinary funds on behalf of that member the whole or any portion of the premiums payable under a life-insurance policy effected for an amount not exceeding one hundred pounds in respect of the life of that member.

Local authorities may pay insurance premiums on policies of limited amount in respect of lives of employees, being members of Expeditionary Force.

(2.) This section shall be deemed to have been in force as from the passing of the Local Authorities Empowering Act, 1915.

26. Section two of the War Contributions Validation Act, 1914 (No. 2), shall be deemed to extend, and at all times since the passing thereof to have extended, so as to authorize the making of contributions to any fund established before the passing of this Act by any New Zealand branch of the Navy League for the purpose of affording relief to members of His Majesty's Naval Forces engaged in the present war, or any of such members, or of affording relief to the dependants of any such members.

Validation of contributions by local authorities to Navy League's patriotic funds.

27. Whereas the Bank of New Zealand has from time to time since the commencement of the present war voluntarily contributed to certain patriotic funds in connection with the present war and to certain other funds associated therewith: And whereas doubts have

Validation of contributions made by Bank of New Zealand for certain patriotic and other funds.

arisen as to the power of the bank lawfully to make the said contributions, and it is desired to remove such doubts, and to validate such payments (if any) as may have been made without lawful authority: And whereas it is further desired to authorize the making by the bank of such further contributions as it may deem advisable: Be it therefore enacted as follows:—

All payments heretofore made by the Bank of New Zealand since the commencement of the present war for any patriotic fund or other fund associated with the war, whether such contributions have been made in New Zealand or elsewhere, are hereby declared to have been made with lawful authority; and the said bank is hereby authorized to make such further contributions (if any) as it may deem advisable to any of the said funds or to any other fund, established in New Zealand or elsewhere, for any purpose associated with the present war.

*Master and Apprentice.*

Provision for extension of term of indentures of apprenticeship in certain cases.

28. (1.) If any apprentice during the continuance of the term of his apprenticeship hereafter becomes a member of the New Zealand Expeditionary Force, the term of his apprenticeship may, by agreement between the apprentice, his parent or guardian, of the one part, and the master, of the other part, be suspended for the period during which he remains a member of that Force, and for such period thereafter, not exceeding six months, as may be agreed between the parties. On the expiration of the period during which the term of apprenticeship is so suspended the indenture of apprenticeship shall be revived, and shall continue in force until the completion of the apprenticeship, notwithstanding that by the terms of the indenture it may be expressed to expire on an earlier date, and notwithstanding that the apprentice may have attained the age of twenty-one years or any other age at which by any law for the time being in force it is provided that a term of apprenticeship will expire.

(2.) This section may, with the necessary modifications, apply to any indenture of apprenticeship that may have been cancelled or suspended before the passing of this Act by reason of the fact that the apprentice had become or intended to become a member of the Expeditionary Force.

(3.) For the purposes of this section an agreement to suspend or revive an indenture of apprenticeship may be entered into at any time before the expiration of six months after the apprentice to whom it relates has ceased to be a member of the Expeditionary Force.

*Pensions Amendment.*

29. For the purposes of the Pensions Act, 1913, the term "income" shall not be deemed to include any moneys receivable by way of pension under the War Pensions Act, 1915.

No deduction to be made from old-age pension on receipt of pension under War Pensions Act.

*Protection of Mining Privileges.*

Protection of mining privileges while holders engaged on military service.

30. No mining privilege under the Mining Act, 1908, shall be liable to forfeiture, or be deemed to be or to have been abandoned by operation of law, at any time after the holder thereof has been

accepted for service in connection with the present war, whether as a member of the Expeditionary Force or not, and before the expiration of six months after the termination of such service.

31. In every case where the Minister of Mines is satisfied that genuine attempts are being made to provide capital for the working of the land comprised in any mineral lease of any portion of the land mentioned in section one hundred and three of the Mining Act, 1908, and described in the Third Schedule to that Act, he may grant protection for any period not exceeding twelve months after the conclusion of the present war.

Protection of mineral leases over certain lands in Nelson Land District.

#### *Police Force.*

32. (1.) The Commissioner of Police may from time to time, during the continuance of the present war, or at any time within twelve months thereafter, with the approval of the Minister of Justice, appoint as temporary members of the Police Force such sergeants of police and constables of different grades as he may deem necessary to assist in the preservation of peace and order, the prevention of crime, and the apprehension of offenders.

Provision for appointment of temporary members of Police Force.

(2.) Appointments under this section shall be terminable by the Commissioner by three months' notice in writing, and no such appointment shall continue for more than twelve months after the termination of the present war.

(3.) No person appointed under this section shall by reason of such appointment be deemed to be a member of the Public Service or of the Police Force for the purposes of the Acts relating to the Public Service Superannuation Fund.

(4.) Except as hereinbefore in this section otherwise provided, all persons appointed under this section shall have all the rights, powers, protection, and privileges, and shall be subject to all the duties and liabilities, of constables appointed under the Police Force Act, 1913.

(5.) The Governor may from time to time, by Order in Council, make such regulations as may be advisable fixing the rates of pay payable to persons appointed under this section, and otherwise for determining the conditions of their employment.

#### *Police Offences Amendment.*

33. (1.) The Governor may from time to time, by notice in the *Gazette*, prohibit the use in connection with any trade or business of any word having reference in any way to the present war, on the ground that the use of the said word for any such purpose may be offensive to public sentiment.

Governor may prohibit the use of certain words, having reference to the war, for purposes of trade or business.

(2.) The prohibition of the use of any word under this section shall be deemed to include the prohibition of the use of any abbreviation or variation of such word, and also the use of any other word that may incorporate such word, variation, or abbreviation.

(3.) Every person who acts in contravention of a notice under this section shall be liable on summary conviction to a fine not exceeding ten pounds.

(4.) Nothing in this section shall affect the right of the proprietor of any trade-mark registered before the publication of a notice

under this section and containing any word the use of which for the purposes of any trade or business is prohibited or deemed to be prohibited by such notice to continue to use such trade-mark for a period not exceeding three months after the issue of that notice.

(5.) While any notice under this section remains in force the Registrar of Patents, Designs, and Trade-marks shall refuse to accept any application for the registration of a trade-mark, including any word prohibited or deemed to be prohibited by such notice; and on the expiration of three months after the issue of any such notice the Registrar shall, if such notice remains in force, cancel the registration of any trade-mark that includes any such word, or may modify any such trade-mark by the exclusion of any such word.

(6.) Proceedings under this section shall not be instituted except with the previous consent of the Attorney-General.

#### *Soldiers' Wills.*

Soldiers' wills.

34. (1.) Every will made by a soldier being in actual military service within the meaning of section eleven of the Imperial Act entitled "An Act for the Amendment of the Laws with respect to Wills" (7 William IV, and 1 Victoria, Chapter 26) shall, if sufficient by virtue of that section to dispose of personal estate, be sufficient to dispose of real estate also.

(2.) No will which is or has already been made during the present war with Germany, and which depends for its validity on section eleven of the aforesaid Imperial Act, shall have any force or effect unless the testator dies during that war or within six months after the termination thereof; but save as aforesaid, and save so far as a contrary intention may be expressed in any such will, no such will shall be deemed to be inoperative because the testator was not in actual military service at the time of his death.

(3.) Notwithstanding anything contained in this section or in any other enactment, no will made by a Native (within the meaning of the Native Land Act, 1909) which depends for its validity upon section eleven of the aforesaid Imperial Act shall have any operation with respect to his freehold interests in Native land within the meaning of Part VIII of the Native Land Act, 1909, and the persons entitled to succeed to such interests on the death of the testator shall be determined in the same manner as if no such will had been made; but save as aforesaid the said section eleven shall apply to a Native in the same manner as to a European, anything in the Native Land Act, 1909, to the contrary notwithstanding.

(4.) Every member of an Expeditionary Force under the Expeditionary Forces Act, 1915, shall be deemed to be at all times, whether he is in New Zealand or abroad, a soldier in actual military service within the meaning of section eleven of the aforesaid Imperial Act.

(5.) This section shall be deemed to have been in operation at all times since the commencement of the present war with Germany, and shall extend and apply accordingly to the wills and estates of all soldiers who have died between that date and the passing of this Act.

*Teachers' Superannuation Amendment.*

35. (1.) Section fourteen of the Public Service Classification and Superannuation Amendment Act, 1908, as amended by section thirteen of the Public Service Classification and Superannuation Amendment Act, 1909, is hereby further amended by adding to subsection two the following proviso:—

Section 14 of Public Service Classification and Superannuation Amendment Act, 1908, amended.

“Provided that no deduction shall be made from any retiring-allowance under this section so as to reduce the amount payable in any month to the contributor, by way of remuneration for services and retiring-allowance, taken together, to less than fifteen pounds.”

(2.) Section twenty-eight of the Public Service Classification and Superannuation Amendment Act, 1908, is hereby amended as follows:—

Section 28 of Public Service Classification and Superannuation Amendment Act, 1908, amended.

(a.) By omitting from the proviso to paragraph (b) the words “before the expiry of that period,” and by inserting, after the words “on the application of the contributor,” the words “made before the expiry of the said period of twelve months.”

(b.) By adding the following subsections:—

“(4.) For the purposes of this section, but not otherwise, a contributor shall be deemed to be employed in the Education service during any period of his training at a training college established under the Education Act, 1914.

“(5.) In calculating any period of unemployment under paragraph (b) of subsection three of this section no account shall be taken of any period during which a contributor has been a member of the Expeditionary Force raised in connection with the present war with Germany, or has held a position as a teacher in any school for the time being under the control of the Administrator of Samoa during the period of the military occupation of Samoa by His Majesty.”

*War Funds Act Amendment.*

36. (1.) Section five of the War Funds Act, 1915 (hereinafter in this section and in the four next succeeding sections referred to as the said Act), is hereby amended as follows:—

Section 5 of War Funds Act, 1915, amended.

(a.) By omitting from subsection one all words after the words “to the credit of,” and substituting the words “an account to be known as ‘The National War Funds Council Account’”; and

(b.) By omitting from subsection two the words “Every such account,” and substituting the words “The National War Funds Council Account.”

(2.) Forthwith on the passing of this Act the separate accounts established pursuant to section five of the said Act shall be closed, and the moneys therein shall be transferred to the National War Funds Council Account.

37. The Council shall, in such manner and form as may be prescribed by regulations under the said Act, keep an account for each fund administered by it of all moneys paid into or out of the National War Funds Council Account in respect of that fund.

Council to keep separate accounts of moneys belonging to the several funds administered by it.

Expenses of audit of war fund to be paid out of Consolidated Fund.

38. Section nineteen of the said Act is hereby amended by inserting, after the word "refuses" in subsection two, the words "or fails"; and by omitting from subsection three the words "the said fund," and substituting the words "the Consolidated Fund, without further appropriation than this Act."

Section 22 of War Funds Act, 1915, amended.

39. Section twenty-two of the said Act is hereby amended by adding thereto the following subsection:—

"(4.) Any permit issued under this section may at any time be revoked or suspended either by the Minister of Internal Affairs or by the person who issued such permit."

Restriction on issue of permits to collect for war funds.

40. (1.) After the passing of this Act it shall not be lawful to issue a permit under section twenty-two of the said Act to collect contributions for any war fund unless the society or trustees having control of that fund have been incorporated under section twelve of the said Act, or unless the fund has been approved by the Minister of Internal Affairs.

(2.) Notice of the approval by the Minister of any such fund shall be forthwith published by him in the *Gazette*.

#### *Contracts for Military Supplies.*

Provision for cancellation of contracts for military supplies in cases of wilful breach of contract by contractor.

41. (1.) Where any person has, either before or after the passing of this Act, entered into a contract for the supply to the Crown of any goods, wares, or merchandise required in connection with the present war, the Minister of Defence may, by notice in writing under his hand, cancel such contract if—

(a.) Any such goods, wares, or merchandise that may have been delivered under the contract (whether before or after the passing of this Act) are not in accordance with the terms of the contract; and

(b.) The contractor, by reason of his failure to supply such goods, wares, or merchandise in accordance with the terms of the contract, has (whether before or after the passing of this Act) wilfully committed a breach of such contract.

(2.) No person shall be entitled to recover from the Crown any moneys by way of damages or compensation by reason of the cancellation of any contract under this section.

(3.) The cancellation of a contract under this section shall not relieve the contractor from any liability for damages in respect of any breach of that contract prior to its cancellation.