

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,

6th October, 1949.

Hon. Mr. Parry

PATRIOTIC AND CANTEEN FUNDS AMENDMENT

ANALYSIS

Title.	
1. Short Title and commencement.	4. Vesting in the Board of certain property of the Joint Council of the Order of St John and the New Zealand Red Cross Society.
2. Vesting of funds of National War Funds Council in the Board.	5. Extending definition of the term "serviceman."
3. Trustees of war funds may transfer funds to the Board.	6. Amending constitution of New Zealand Patriotic Fund Board.
	7. Consequential amendments. Schedule.

A BILL INTITULED

AN ACT to Amend the Patriotic and Canteen Funds Act, 1947. Title.

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

1. (1) This Act may be cited as the Patriotic and Canteen Funds Amendment Act, 1949, and shall be read together with and deemed part of the Patriotic and Canteen Funds Act, 1947 (hereinafter referred to as the principal Act). Short Title and commencement.
1947, No. 63

(2) Except as otherwise provided in this Act, this Act shall come into force on the first day of April, nineteen hundred and fifty.

Vesting of funds of National War Funds Council in the Board.

See Reprint of Statutes, Vol. VIII, p. 1058

2. The principal Act is hereby amended by inserting, after section ten, the following new section:—

“10A. (1) In this section and in the *next two succeeding* sections, ‘trustee’ and ‘war fund’ have the same meanings respectively as in the War Funds Act, 1915. 5

“(2) All real and personal property which at the commencement of this section is vested in the National War Funds Council established under section three of the War Funds Act, 1915, shall by force of this section, 10 and without conveyance, transfer, or assignment, be deemed to be vested in the New Zealand Patriotic Fund Board for the estate and interest of the Council therein, subject to all liabilities, charges, and encumbrances affecting the same. 15

“(3) On the commencement of this section all contracts, debts, and liabilities of the National War Funds Council shall become the contracts, debts, and liabilities of the New Zealand Patriotic Fund Board.

“(4) The District Land Registrar shall, on written 20 application under the seal of the Board, register the Board as proprietor of any estates and interests in land registered under the Land Transfer Act, 1915, and vested in the Board by virtue of this section.

“(5) All property vested in the Board by virtue of 25 this section shall be deemed as from the commencement of this section to have ceased to form part of a war fund. All such property which immediately before the commencement of this section was held by the said Council for the general purposes of the War Funds Act, 1915, 30 and not upon any special trust contained in any will or trust instrument, shall be held by the Board and applied for the general purposes of the New Zealand Fund. All such property which immediately before the commencement of this section was held by the said Council upon 35 a special trust contained in a will or trust instrument shall be held and applied by the Board for the purposes of that trust.

“(6) The said National War Funds Council is hereby 40 dissolved.”

3. (1) The principal Act is hereby further amended by inserting, after section ten A (as enacted by the *last preceding* section), the following new section:—

Trustees of war funds may transfer funds to the Board.

“ 10B. (1) The trustees of any war fund are hereby authorized to transfer to the New Zealand Patriotic Fund Board all real and personal property held by them as such.

5 “(2) Every such transfer shall take effect from the end of a financial year of the trustees, or on such other date as may be agreed upon between the Board and the trustees.

10 “(3) All property transferred to the Board pursuant to this section shall be deemed as from the date of the transfer to have ceased to form part of a war fund and shall vest in the Board subject to all liabilities, charges, and encumbrances affecting the same. Unless the trustees direct in writing that any property so transferred to the Board shall be held and applied by the Board for any specified purpose for which it was held by them, all property so transferred to the Board shall be held and applied by the Board for the general purposes of the New Zealand Fund.

20 “(4) The transfer of any property to the Board under this section shall not operate so as to exempt any trustee from liability under the War Funds Act, 1915, or otherwise for any breach of trust or other unlawful act, whether of commission or omission, for which he was legally responsible before the transfer.

25 “(5) Where the trustees by whom any property is transferred to the Board pursuant to this section are a body corporate under the War Funds Act, 1915, that body and every branch society thereof incorporated under that Act shall be deemed to have been dissolved as from the date of the transfer.

“(6) No stamp duty or gift duty shall be payable in respect of any transfer to the Board under this section.”

35 (2) This section shall come into force on the first day of December, nineteen hundred and forty-nine.

4. (1) The principal Act is hereby further amended by inserting, after section ten B (as enacted by the *last preceding* section), the following new section:—

40 “ 10c. (1) All war funds which at the commencement of this section are vested in the Joint Council of the Order of St. John and the New Zealand Red Cross Society established under the Joint Council of

See Reprint
of Statutes,
Vol. VIII,
p. 1058

Vesting in the
Board of
certain
property of
the Joint
Council of
the Order of
St. John and
the New
Zealand Red
Cross Society.
1938, No. 1
(Private)

the Order of St. John and the New Zealand Red Cross Society Incorporation Act, 1938, and the capital sum of thirty thousand pounds referred to in the Preamble to that Act and the real and personal property which at the commencement of this section represents that capital sum or any part thereof shall by force of this section, and without conveyance, transfer, or assignment, be deemed to be vested in the New Zealand Patriotic Fund Board for the estate and interest of the said Joint Council therein, subject to all liabilities, charges, and encumbrances affecting the same. 5

“(2) All property vested in the Board by virtue of this section shall be deemed as from the commencement of this section to have ceased to form part of a war fund, and shall be held and applied by the Board for the general purposes of the New Zealand Fund. 15

“(3) The District Land Registrar shall, on written application under the seal of the Board, register the Board as proprietor of any estates and interests in land registered under the Land Transfer Act, 1915, and vested in the Board by virtue of this section.” 20

See Reprint
of Statutes,
Vol. VII,
p. 1162
1938, No. 1
(Private)

(2) The Joint Council of the Order of St. John and the New Zealand Red Cross Society Incorporation Act, 1938, is hereby consequentially amended as follows:—

(a) By repealing section five: 25

(b) By repealing paragraph (b) of clause three of the Schedule thereto:

(c) By omitting from clause sixteen of the said Schedule the words “or in the Great War Committee”, and also the words “or of the Great War Committee”: 30

(d) By omitting from clause nineteen and also from clause twenty of the said Schedule the words “the Great War Committee” wherever they occur: 35

(e) By repealing clauses twenty-one to twenty-nine of the said Schedule:

(f) By omitting from clause thirty of the said Schedule the words “the Great War Committee”. 40

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

5. (1) Section two of the principal Act is hereby amended by adding to the definition of the term "serviceman" the words, "and also includes any person who, by reason of service rendered (while he was ordinarily resident in New Zealand or elsewhere) in any war before the Second World War in which His Majesty was engaged, would have been such a serviceman if that service had been rendered during the Second World War and if he had then been ordinarily resident in New Zealand".

Extending definition of the term "serviceman".

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

6. Section four of the principal Act is hereby amended as follows:—

Amending constitution of New Zealand Patriotic Fund Board.

(a) By inserting in subsection one, after paragraph (h), the following new paragraph:—

"(hh) Two members appointed by the Minister to represent discharged servicemen who served in any war in which His Majesty was engaged before the Second World War:"

(b) By inserting, after subsection one, the following new subsection:—

"(1A) The first members of the Board appointed under paragraph (hh) of the last preceding subsection shall be appointed on the nomination of the National War Funds Council established under the War Funds Act, 1915, and shall come into office at the commencement of this subsection or on the date of appointment, whichever is the later, and shall, unless they sooner vacate their office, hold office until the thirtieth day of September, nineteen hundred and fifty-one, but shall be eligible for reappointment. For the purposes of this subsection, nominations under the said paragraph (hh) may be made by the said Council before the commencement of this subsection. Subject to the foregoing provisions of this subsection, appointments under the said paragraph (hh) shall be made on the nomination of the Board."

See Reprint of Statutes, Vol. VIII, p. 1058

Consequential amendments.

See Reprint of Statutes, Vol. VIII, pp. 1060, 1076

7. (1) The enactments specified in the Schedule to this Act are hereby amended in the manner indicated in that Schedule.

(2) Notwithstanding the repeal of section six of the War Funds Act, 1915, the provisions of section thirty-two of the War Legislation Act, 1917, shall continue to be read as if the said section six had not been repealed.

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Schedule.

SCHEDULE

ENACTMENTS CONSEQUENTIALLY AMENDED

Title of Enactment.	Portion of Enactment Affected.	Nature of Amendment.
1915, No. 41— The War Funds Act, 1915 (Reprint of Statutes, Vol VIII, p. 1058)	Sections 3, 4, 5, 6, 7 and 8	By repealing these sections.
	Section 9 ..	By omitting the words "which has not been transferred to the Council as hereinbefore provided."
	Section 18 ..	By omitting from subsection (2) the words "the Council (in the case of a war fund administered by the Council) or of the trustees of any other war fund", and substituting the words "the trustees of any war fund"; by omitting from that subsection the words "Council or"; by omitting from subsection (3) the words "the Council (in the case of a fund administered by the Council) or of the trustees of any other fund", and substituting the words "the trustees of any war fund".
	Section 23 ..	By repealing paragraph (a) of subsection (1).
1916, No. 13— The War Legislation Amendment Act, 1916 (Reprint of Statutes, Vol. VIII, p. 1074)	Sections 36 and 37	By repealing these sections.
1918, No. 19— The War Funds Amend- ment Act, 1918 (Reprint of Statutes, Vol. VIII, p. 1066)	Section 4 ..	By repealing paragraph (b).
1924, No. 10— The War Funds Amend- ment Act, 1924 (Reprint of Statutes, Vol. VIII, p. 1070)	Section 11 ..	By repealing this section.
	Sections 2, 3, 4, 5, and 7	By repealing these sections.

SCHEDULE—continued

ENACTMENTS CONSEQUENTIALLY AMENDED—continued

Title of Enactment.	Portion of Enactment Affected.	Nature of Amendment.
1927, No. 10— The War Funds Amend- ment Act, 1927 (Reprint of Statutes, Vol. VIII, p. 1072)	Section 3 ..	By repealing this section.