

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE ON THE
STATUTES AMENDMENT BILL]

Right Hon. Mr Nash

PUBLIC REVENUES AMENDMENT

ANALYSIS

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| Title | | |
| 1. Short Title | | 3. Payment of fines to local authorities or public bodies that conduct prose- cutions |
| 2. Amending provisions as to public stores | | Schedules |

A BILL INTITULED

An Act to amend the Public Revenues Act 1953

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

1. **Short Title**—This Act may be cited as the Public Revenues Amendment Act 1958, and shall be read together with and deemed part of the Public Revenues Act 1953 (hereinafter referred to as the principal Act).
- 10 2. **Amending provisions as to public stores**—(1) Section two of the principal Act is hereby amended by adding to the definition of the term “public stores” or “stores” the words “and includes chattels, machinery, livestock, or buildings that are for the time being subject to the provisions of Part XXIV
15 of the Maori Affairs Act 1953”.

(2) Section one hundred and sixteen of the principal Act is hereby amended by omitting from subsection one the words "as irrecoverable".

3. Payment of fines to local authorities or public bodies that conduct prosecutions—(1) The principal Act is hereby amended by repealing section one hundred and nine, and substituting the following section: 5

"109. (1) Where any judicial proceedings in respect of offences are conducted by or on behalf of any local authority or public body, then, subject to the provisions of subsection two of this section, and except where otherwise provided in any enactment, every fine recovered thereunder shall be paid into the general fund or account of the local authority or public body by which or on behalf of which the prosecution is conducted. 10 15

"(2) From any fines payable into the general fund or account of a local authority or public body pursuant to subsection one of this section there shall be deducted and credited to the Consolidated Fund an amount equal to five per cent of the amount of the fine, and only the residue thereof after that deduction has been made shall be paid into the general fund or account of the local authority or public body: 20

"Provided that, where pursuant to any enactment any money awarded by a Court in respect of any loss or damage or costs or expenses is recovered as a fine, the amount so recovered shall be paid to the local authority or public body entitled to receive the same under that enactment without any such deduction being made. 25

"(3) Whenever any fines which under this section are payable to any local authority or public body are by law required or permitted to be paid in stamps, and have been so paid, the Registrar or other proper officer of the Court by 30

which the fines are imposed shall certify to the Minister the amount of the same, that they have been so paid, and the name of the local authority or public body entitled to receive the same; and thereupon, subject to the provisions of subsection two of this section, the Minister, without further appropriation than this section, shall pay the amount of those fines out of the Consolidated Fund to the local authority or public body.”

- (2) The enactments specified in the First Schedule to this Act are hereby repealed.
- 10 (3) The enactments specified in the Second Schedule to this Act are hereby amended in the manner indicated in that Schedule.

SCHEDULES

FIRST SCHEDULE

Section 3 (2)

ENACTMENTS REPEALED

- 1947, No. 59—The Maori Purposes Act 1947: Subsection (2) of section 48.
- 1949, No. 18—The Fire Services Act 1949: Subsection (2) of section 77.
- 1950, No. 34—The Harbours Act 1950: Section 47.
- 1950, No. 101—The Auckland Harbour Bridge Act 1950: Section 63.
- 1952, No. 54—The National Parks Act 1952: Section 58.
- 1953, No. 31—The Wildlife Act 1953: Subsection (2) of section 52.
- 1953, No. 69—The Reserves and Domains Act 1953: Section 92.
- 1954, No. 14—The Historic Places Act 1954: Section 28.
- 1954, No. 76—The Municipal Corporations Act 1954: Section 85.
- 1955, No. 42—The Dogs Registration Act 1955: Subsection (1) of section 34.
- 1955, No. 108—The Impounding Act 1955: Section 62.
- 1956, No. 6—The Noxious Animals Act 1956: Subsection (2) of section 19.
- 1956, No. 16—The Christchurch-Lyttelton Road Tunnel Act 1956: Section 55.
- 1956, No. 64—The Counties Act 1956: Section 99.

Section 3 (3)

SECOND SCHEDULE

ENACTMENTS AMENDED

| Title of Enactment | Nature of Amendment |
|---|--|
| 1908, No. 19—The Cemeteries Act 1908 (1957 Reprint, Vol. I, p. 792) | By omitting from section 91 the words “to the Trustees of the cemetery or Managers of the burial ground in respect whereof such fine is imposed for the uses of such cemetery or burial ground, and the other moiety”. |
| 1925, No. 38—The Electric Power Boards Act 1925 (1931 Reprint, Vol. III, p. 55) | By omitting from section 126 the words “and when recovered shall be the property of the Board”. |
| 1926, No. 27—The Oil in Territorial Waters Act 1926 (1931 Reprint, Vol. VIII, p. 484) | By inserting in section 8, before the words “Where any person”, the words “Except in any case where section one hundred and nine of the Public Revenues Act 1953 applies”. |
| 1949, No. 7—The Transport Act 1949 (Reprinted 1955, Vol. II, p. 1914) | By omitting from subsection (5) of section 85 the words “and, subject to subsection two of section thirteen of the Finance Act 1927 (No. 2), all fines recovered under this Part of this Act on the information of any person appointed by a Metropolitan Authority”. |
| 1952, No. 49—The Shipping and Seamen Act 1949 | By omitting from subsection (6) of section 153 the words “and, subject to subsection two of section thirteen of the Finance Act 1927 (No. 2), fines recovered for a breach of this section or of any bylaw under this section shall be paid to that authority and added to that fund”. |
| 1955, No. 42—The Dogs Registration Act 1955 | By omitting from subsection (2) of section 34 the words “subsection one of this section”, and substituting the words “section one hundred and nine of the Public Revenues Act 1953”. |
| 1955, No. 44—The Forest and Rural Fires Act 1955 | By omitting from subsection (3) of section 57 the words “Subject to subsection two of section one hundred and nine of the Public Revenues Act 1953, all amounts recovered as a fine under this subsection (other than the penalty for the offence) shall be paid to the Fire Authority.” |