

And whereas it is further provided by section 8 of the Matrimonial Causes Act, 1945, that a Proclamation shall not be made under that section with respect to any law of any such part of His Majesty's dominions or of any other country unless the Governor-General is satisfied that adequate provision is made by the law of that part or country for the recognition by the Courts of that part or country of the judgments, decrees, and orders which are given or made in pursuance of the provisions of Part II of that Act:

Now, therefore, I, William John McKell, the Governor-General aforesaid, acting with the advice of the Federal Executive Council, being satisfied that adequate provision is made by Part I of the Act of the Dominion of New Zealand known as the Matrimonial Causes (War Marriages) Act, 1947, for the recognition by the Courts of the Dominion of New Zealand of the judgments, decrees, and orders which are given or made in pursuance of Part II of the Matrimonial Causes Act, 1945, do hereby declare Part I of the Act of the Dominion of New Zealand known as the Matrimonial Causes (War Marriages) Act, 1947, to be a law substantially corresponding to the provisions made with respect to Australia by Part II of the Matrimonial Causes Act, 1945.

Given under my hand and Seal of the Commonwealth, this twenty-fifth day of February, in the year of our [L.S.] Lord, One thousand nine hundred and forty-eight, and in the twelfth year of His Majesty's reign.

By His Excellency's Command—

H. V. EVATT, Attorney-General.

Reciprocal Recognition of Decrees and Orders made under the Matrimonial Causes (War Marriages) Act, 1947

Department of Justice,
Wellington, 8th June, 1948.

THE following copy of an Order (United Kingdom Statutory Instrument 1948, No. 111) made by His Majesty in Council on the 26th day of January, 1948, and relating to the recognition in all British Courts, other than Dominion Courts, of decrees and orders made under Part I of the Matrimonial Causes (War Marriages) Act, 1947, is published for general information.

H. G. R. MASON, Minister of Justice.

MATRIMONIAL CAUSES (WAR MARRIAGES) (NEW ZEALAND)
ORDER, 1948

Made: 26th January, 1948
Laid before Parliament: 27th January, 1948
Coming into operation: 10th February, 1948

At the Court at Buckingham Palace, the 26th day of January, 1948

Present:

The King's Most Excellent Majesty in Council

WHEREAS by paragraph (c) of subsection (1) of section 4 of the Matrimonial Causes (War Marriages) Act, 1944, it is provided that the validity of any decree or order made by virtue of any law passed or made by any legislature or other authority having power to make laws with respect to matrimonial causes for any part of His Majesty's dominions outside the United Kingdom, or for any British protected State, which is declared by Order in Council to be a law substantially corresponding to the provisions made as respects Great Britain by the preceding provisions of the said Act, shall, by virtue of the said Act, be recognized in all British Courts, whether within or without His Majesty's dominions, other than Dominion Courts:

And whereas by paragraph (ii) of the proviso to the said subsection (1) it is provided that an Order in Council as aforesaid shall not be made with respect to any law of any Dominion within the meaning of the Statute of Westminster, 1931, or of any Province or State forming part of such Dominion, or of any British protected State, for the recognition by the Courts thereof of the decrees and orders which are by virtue of the said subsection (1) to be recognized to the extent provided for by that subsection in British Courts other than Dominion Courts:

And whereas the legislature of the Dominion of New Zealand, being a Dominion within the meaning of the Statute of Westminster, 1931, has passed a law entitled the Matrimonial Causes (War Marriages) Act, 1947, Part I:

And whereas His Majesty is satisfied that adequate provision is made by the said law of the said Dominion for the recognition by the Courts thereof of the decrees and orders aforesaid:

Now, therefore, His Majesty, by and with the advice of His Privy Council, is pleased to order, and it is hereby ordered as follows:—

1. The Matrimonial Causes (War Marriages) Act, 1947, Part I, of the Dominion of New Zealand is hereby declared to be a law substantially corresponding to the provisions made as respects Great Britain by the Matrimonial Causes (War Marriages) Act, 1944.

2. This Order may be cited as the Matrimonial Causes (War Marriages) (New Zealand) Order, 1948, and shall come into operation on the 10th day of February, 1948.

E. C. E. Leadbitter.

EXPLANATORY NOTE

(This note is not part of the Order, but is intended to indicate its general purport)

The Matrimonial Causes (War Marriages) (New Zealand) Order, 1948

The object of this Order is to declare that a certain law made by the Dominion of New Zealand is a law substantially corresponding to the provision made as respects Great Britain by the Matrimonial Causes (War Marriages) Act, 1944. Such a declaration will secure recognition in all British Courts, whether within or without His Majesty's dominions, other than Dominion Courts, of the validity of any decree or order made by virtue of the law of the said Dominion.

Appointing a Member of the Second Division of the Court of Appeal

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington, this 2nd day of June, 1948

Present:

THE RIGHT HON. P. FRASER PRESIDING IN COUNCIL

WHEREAS by Order in Council made on the twenty-ninth day of October, one thousand nine hundred and forty-seven, the Honourable Erima Harvey Northcroft, Judge, was appointed a member of the Second Division of the Court of Appeal for the year one thousand nine hundred and forty-eight:

And whereas it is expedient for the purposes of the business of the said Division as on and from the eighth day of June, one thousand nine hundred and forty-eight, to appoint another Judge as a member of the said Division in place of the said the Honourable Erima Harvey Northcroft, Judge, at present beyond the Dominion as a member of the International Military Tribunal for the Far East, whose appointment as a member of the said Division it is consequently necessary as on and from that date to revoke:

Now, therefore, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of that Dominion, and in exercise of the authority conferred upon him by the Judicature Amendment Act, 1913, and in pursuance of the recommendation of the Right Honourable the Chief Justice, the Honourable Mr. Justice Fair, and the Honourable Mr. Justice Finlay, doth revoke as on and from the eighth day of June, one thousand nine hundred and forty-eight, the said appointment of the Honourable Erima Harvey Northcroft, Judge, as a member of the said Second Division of the Court of Appeal, and doth appoint the Honourable Joseph Stanton, Judge, as on and from the said eighth day of June, one thousand nine hundred and forty-eight, to be a member of the said Division in place of the said the Honourable Erima Harvey Northcroft, Judge.

T. J. SHERRARD, Clerk of the Executive Council.

Consenting to the Raising of a Loan of £300 by the Balclutha Fire Board and prescribing the Conditions thereof

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington, this 2nd day of June, 1948

Present:

THE RIGHT HON. P. FRASER PRESIDING IN COUNCIL

WHEREAS the Balclutha Fire Board (hereinafter called the said local authority), being desirous of raising a loan of three hundred pounds (£300), to be known as "Fire Tender Loan, 1948" (hereinafter called the said loan), for the purpose of purchasing a fire tender, has complied with the provisions of the Local Government Loans Board Act, 1926 (hereinafter called the said Act), and it is expedient that the precedent consent of the Governor-General in Council, as required by the said Act, should be given to the raising of the said loan:

Now, therefore, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, and in pursuance and exercise of the powers and authorities conferred on him by section eleven of the said Act, as set out in section twenty-nine of the Finance Act, 1932 (No. 2), and of all other powers and authorities enabling him in this behalf, doth hereby consent to the raising in New Zealand by the said local authority of the said loan for the said purpose up to the amount of three hundred pounds (£300), and in giving such consent doth hereby determine as follows:—

- (1) The term for which the said loan or any part thereof may be raised shall not exceed five (5) years.
- (2) The rate of interest that may be paid in respect of the said loan or any part thereof shall be such as shall not produce to the lender or lenders a rate or rates exceeding three pounds five shillings (£3 5s.) per centum per annum.
- (3) The said loan or any part thereof shall be repaid by equal annual instalments of principal extending over the term as determined in (1) above.
- (4) The payment of interest and principal in respect of the said loan shall be made in New Zealand.
- (5) No amount payable either as interest or as principal in respect of the said loan shall be paid out of loan-moneys.
- (6) The rate payable for brokerage, underwriting, and procurement fees in respect of the raising of the said loan or any part thereof shall not in the aggregate exceed one-half per centum of any amount raised.
- (7) No moneys shall be borrowed under this consent after the expiration of two years from the date hereof.

T. J. SHERRARD, Clerk of the Executive Council.

(T. 49/678.)