

And whereas in its statement of defence to the said amended statement of claim the Board alleged as a defence thereto that the plaintiff had not given to it a notice of intention to commence his said action one month before the same was commenced as required by section two hundred and forty-eight of the Harbour's Act, 1923 :

And whereas on the twenty-fourth day of January, one thousand nine hundred and forty-nine, the plaintiff discontinued his said action as against the Board and filed and served upon the company a further amended statement of claim wherein he alleged new grounds of negligence on the part of the company, its employees, servants, or agents :

And whereas the company, being in doubt whether it was required by section two hundred and forty-eight of the Harbours Act, 1923, to give the Board notice of its intention to issue a third-party notice pursuant to the Code of Civil Procedure of the Supreme Court of New Zealand against the Board, gave to the Board written notice on the twenty-eighth day of February, one thousand nine hundred and forty-nine, of its intention to issue a third-party notice claiming contribution from the Board in respect of the plaintiff's claim for damages on the grounds set out in the said written notice :

And whereas on the twenty-first day of June, one thousand nine hundred and forty-nine, an Order was made by the Supreme Court of New Zealand, at Auckland, giving to the company leave to issue out of that Court such a third-party notice against the Board :

And whereas by misadventure notice of intention to issue the said third-party notice was not given and the said third-party notice was not issued and served at and within the times respectively referred to in section two hundred and forty-eight of the said Act for notice and commencement of an action against a Harbour Board, and therefore if compliance with the provisions of the said section is requisite in the case of such third-party notice the issue and service of the said third-party notice is invalid :

Now, therefore, for the purpose of resolving any doubts, and in pursuance and exercise of the powers and authorities vested in him by section two hundred and fifty-six of the Harbours Act, 1923, and of all other powers and authorities enabling him in that behalf, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby order and declare that the said notice of intention to issue the said third-party notice, and the said third-party notice itself, shall be deemed for the purposes of section two hundred and forty-eight of the Harbours Act, 1923, to be and at all times to have been valid and to have been respectively given, issued, and served in accordance with the provisions of the said section two hundred and forty-eight so far as the same relate to the claim of the company to contribution from the Board in respect of any amount by which any damages which may be recovered by the plaintiff against the company in the said action may exceed the amount of compensation which may have been paid or be payable by the company under the Workers' Compensation Act, 1922, and its amendments, in respect of the plaintiff's said injuries and for which the company may have a right of contribution or indemnity in a proceeding duly instituted by it against the Board ; the intent of this Order in Council being to leave for determination by the Supreme Court of New Zealand in the said action, as if this Order in Council had not been made, the question whether, and, if so, to what extent, the Company is entitled also to contribution from or indemnity by the Board in respect of such compensation as aforesaid.

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

*The Government Railways (Staff) Amending Regulations  
1949 (No. 2)*

B. C. FREYBERG, Governor-General  
ORDER IN COUNCIL

At the Government House at Wellington, this 20th day of  
July, 1949

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

**P**URSUANT to the Government Railways Act, 1926, and to section twenty-three of the Government Railways Amendment Act, 1944, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS

1. THESE regulations may be cited as the Government Railways (Staff) Amending Regulations 1949 (No. 2), and shall be read together with and form part of the regulations made under the Government Railways Act, 1908, on the 12th day of June, 1922, and published in the *Gazette* on the 15th day of the same month at page 1583, as the same are enuring under the Government Railways Act, 1926 (hereinafter called the principal regulations).

2. Regulation 16 of the principal regulations as replaced by Regulation 2 of the Government Railways (Staff) Amending Regulations 1947 (No. 2)\* and as amended by Regulation 2 of the Government Railways (Staff) Amending Regulations 1949† is hereby further amended by revoking the words and parentheses "(Civil or Electrical)" next following the words "Engineering Cadet" in the table comprising part of clause (1) thereof.

3. Regulation 143A as enacted by Regulation 7 of the Government Railways (Staff) Amending Regulations 1947‡ is hereby amended as follows :—

- (a) By revoking the words "civil, electrical, or mechanical engineering" in clause (2) thereof, and substituting the words "engineering or such other profession as the General Manager may approve".
- (b) By revoking the words "civil, electrical, or mechanical engineering work" in paragraph (b) of clause (3) thereof, and substituting the words "engineering or such other professional work".
- (c) By inserting, next after the words "study and training in engineering" in paragraph (c) of clause (3) thereof, the words "or such other profession as the General Manager may approve".

4. Regulation 155 of the principal regulations as replaced by Regulation 9 of the Government Railways (Staff) Amending Regulations 1947† and as amended by Regulation 8 of the Government Railways (Staff) Amending Regulations 1949† is hereby further amended as follows :—

- (a) By adding to clause (1) thereof the following definition :—

"Quarter" means any period of three calendar months commencing on the first day of the months of January, April, July, and October."

- (b) By revoking clause (4) thereof, and substituting the following clause :—

"(4) Privilege-ticket orders may, on the application of the widow of a deceased retired member, be issued in favour of herself, provided the marriage took place before the retirement of the deceased retired member. Any such widow shall be entitled to receive not more than fifty-two such orders in any year. Such issue shall cease upon remarriage of the widow."

- (c) By inserting, next after clause (7) thereof, the following additional clause :—

"(7A) The General Manager may, at his discretion, in special circumstances, extend the maximum ages specified in clauses (3), (5), and (7) hereof at which privilege tickets may be issued to the children or legally adopted children of a retired member, a deceased retired member, or a deceased member."

- (d) By inserting, next after subclause (a) of clause (10) thereof, the following additional subclause :—

"(aa) Privilege-ticket orders may, on the application of the widow of a deceased retired temporary employee, be issued in favour of herself, provided the marriage took place before the retirement of the deceased retired temporary employee. No such widow shall be entitled to receive more than one privilege ticket in any quarter. Such issue shall cease upon remarriage of the widow."

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

\* *Gazette*, 20th November, 1947, Vol. III, page 1811.  
† *Gazette*, 25th March, 1949, Vol. I, page 828.  
‡ *Gazette*, 20th November, 1947, Vol. III, page 1812.

*Officers Authorized to Take and Receive Statutory Declarations*

B. C. FREYBERG, Governor-General

**P**URSUANT to the authority conferred upon me by the three-hundred-and-first section of the Justices of the Peace Act, 1927, I, Lieutenant-General Sir Bernard Cyril Freyberg, the Governor-General of the Dominion of New Zealand, do hereby notify and declare that the persons whose names are set out in the Schedule hereto, being officers in the service of the Crown holding the offices stated opposite their names respectively in the said Schedule, are authorized to take and receive statutory declarations under the three-hundred-and-first section of the Justices of the Peace Act, 1927.

SCHEDULE

Albert Edward Turley, Chief Clerk, Lands and Survey Department, Invercargill.  
Frederick William Maslin, Chief Clerk, Lands and Survey Department, South Auckland.  
Frederick William Brown, Chief Clerk, Lands and Survey Department, Te Kuiti.

As witness the hand of His Excellency the Governor-General, this 21st day of July, 1949.

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