

1923, No. 27.

Title.

AN ACT to make Provision with respect to Public Finance and other Matters. [28th August, 1923.]

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 Finance Act, 1923.

PART I.

PUBLIC REVENUES AND LOANS.

Empowering
Minister of Finance
to borrow £4,000,000
for certain public
works.

2. (1.) The Minister of Finance is hereby empowered to borrow, on the security of and charged upon the public revenues of New Zealand, such sums of money as he thinks fit, not exceeding in the aggregate the sum of four million pounds.

(2.) The sums so borrowed shall bear interest at such rate as the Minister of Finance prescribes.

(3.) All moneys borrowed under the authority of this section shall, as and when borrowed, be paid into the Public Account to the credit of the General Purposes Account of the Public Works Fund, and shall from time to time be applied, in such amounts as may be from time to time appropriated by Parliament, for the following purposes, namely:—

- (a.) The construction of railways and additions to open lines:
- (b.) Additional rolling-stock for open lines, and such other works and purposes in connection therewith as may be authorized:
- (c.) Telegraph-extension:
- (d.) The construction and improvement of roads (including main highways), tracks, and bridges for the purpose of providing and improving means of access to any lands, developing goldfields, and such other works and purposes in connection therewith as may be authorized:
- (e.) The construction of irrigation-works:
- (f.) Other public works, including administrative charges in respect of any public works of the classes referred to in this section.

Extension of
authority to borrow
moneys for purposes
of Advances Office.

3. (1.) For the purposes of the Advances Office the Minister of Finance may, pursuant to section eighteen of the State Advances Act, 1913, borrow money as follows:—

- (a.) For the Advances to Settlers Branch, a sum not exceeding three million pounds in any one financial year:
- (b.) For the Advances to Workers Branch, a sum not exceeding one million five hundred thousand pounds in any one financial year.

(2.) Subsection two of section eighteen of the State Advances Act, 1913, is hereby consequentially amended by omitting the words "one million five hundred thousand pounds," and substituting the words "three million pounds"; and by omitting the words "seven hundred and fifty thousand pounds," and substituting the words "one million five hundred thousand pounds."

REFER TO INSET APPENDED

Additional authority
to borrow money for
purposes of Hauraki
Plains Act.

4. In addition to all moneys which the Minister of Finance has heretofore been authorized to borrow for the purposes of the Hauraki Plains Act, 1908, the said Minister may, for those purposes, borrow such further amount, not exceeding fifty thousand pounds, as he thinks

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fit, and all moneys so borrowed shall be dealt with as provided in section two of the Hauraki Plains Amendment Act, 1913.

5. In addition to all moneys which the Minister of Finance has heretofore been authorized to borrow for the purposes of the Rangitaiki Land Drainage Act, 1910, the said Minister may, for those purposes, borrow such further amount, not exceeding fifty thousand pounds, as he thinks fit, and all moneys so borrowed shall be dealt with as provided in section two of the Rangitaiki Land Drainage Amendment Act, 1913.

Additional authority to borrow money for purposes of Rangitaiki Land Drainage Act.

6. (1.) Unless otherwise expressly provided in the annual taxing Act for any year, income derived from debentures and assessable for income-tax under subsection three of section one hundred and sixteen of the Land and Income Tax Act, 1923, shall, for the year commencing on the first day of April, nineteen hundred and twenty-four, and for each year thereafter, be taxable as follows:—

Fixing rates of income-tax on income derived from debentures.

(a.) On income derived from such debentures issued before the passing of this Act the rate of income-tax shall be three shillings for every pound thereof:

(b.) On income derived from such debentures issued after the passing of this Act the rate of income-tax shall be four shillings and sixpence for every pound thereof.

(2.) Unless otherwise expressly provided in the annual taxing Act for any year, income derived from debentures and assessable for income-tax under subsection three of section one hundred and eighteen of the Land and Income Tax Act, 1923, shall, for the year commencing on the first day of April, nineteen hundred and twenty-four, and for each year thereafter, be taxable as follows:—

(a.) On income derived from such debentures issued before the passing of this Act the rate of income-tax shall be two shillings and sixpence for every pound thereof:

(b.) On income derived from such debentures issued after the passing of this Act the rate of income-tax shall be four shillings and sixpence for every pound thereof.

7. (1.) The Minister of Finance is hereby empowered, without further appropriation than this section, to pay out of the Native Land Settlement Account any moneys required to redeem or pay off before, at, or after maturity any debenture or other security issued by the said Minister for the purposes of the Native Land Act, 1909.

REFER TO INSET APPENDE

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Moneys in Native Land Settlement Account may be used for redemption of debentures issued for purposes of that account.

(2.) All securities so redeemed shall forthwith be cancelled, and the liabilities represented thereby shall thereupon cease to form part of the public debt.

(3.) Where any debentures or other securities as aforesaid have (whether before or after the passing of this Act) been redeemed out of moneys in the Consolidated Fund, the Minister of Finance may, without further appropriation than this section, transfer to the Consolidated Fund from the Native Land Settlement Account an amount not exceeding the amount so paid out of the Consolidated Fund.

8. For the purpose of exercising the power of purchase conferred on him by section twelve of the Bank of New Zealand Act, 1920, the Minister of Finance is hereby empowered to issue and pay out of the Consolidated Fund, without further appropriation than this section, a sum or sums, not exceeding in the aggregate the sum of three hundred

Authorizing Minister of Finance to issue moneys from Consolidated Fund in payment for certain shares of Bank of New Zealand.

and seventy-five thousand pounds, in payment for three hundred and seventy-five thousand preference B shares proposed to be created and issued by the Bank of New Zealand pursuant to the authority conferred on the said Bank by the section hereinbefore referred to.

Cost of administration of Scenery Preservation Act to be paid out of Ordinary Revenue Account of Consolidated Fund.

9. (1.) Section eleven of the Scenery Preservation Act, 1908, is hereby amended by omitting all words in subsection one after the words "shall be paid out of," and substituting the words "moneys to be appropriated by Parliament for the said purposes out of the Ordinary Revenue Account of the Consolidated Fund"; and by repealing subsection two.

(2.) Section twelve of the last-mentioned Act and so much of the Schedule to the Finance Act, 1921-22, as refers thereto are hereby repealed.

(3.) This section shall come into force on the first day of April, nineteen hundred and twenty-four, and thereupon any unexpended balance of loan-moneys or of revenues received under the said Act shall be transferred, without further appropriation, to the Ordinary Revenue Account of the Consolidated Fund.

Minister of Finance may pay to Waihi Borough Council certain moneys deducted from gold duty.

10. (1.) The Minister of Finance may, without further authority than this section, pay to the Waihi Borough Council, out of the Waihou and Ohinemuri Rivers Improvement Account, an amount or amounts, not exceeding in the aggregate the amount heretofore deducted since the thirty-first day of March, nineteen hundred and twenty-one, pursuant to section eighteen of the Waihou and Ohinemuri Rivers Improvement Act, 1910, from the gold duty that would otherwise have been payable to the said Council.

(2.) All moneys paid to the said Council pursuant to this section shall be recoverable from the Council in the same manner in all respects as are the moneys to which section eighteen of the Finance Act, 1922, relates.

Gifts made for purposes of charitable trust not to be included in final balance of estate of donor, notwithstanding that he may die within three years after date of gift.

11. (1.) Notwithstanding anything to the contrary in paragraph (b) of subsection one of section five of the Death Duties Act, 1921, the property comprised in any gift which is exempt from gift duty on the ground that it creates or is in aid of a charitable trust shall not be included in the final balance of the estate of the donor, notwithstanding that he may die within three years after having made the gift.

(2.) This section shall apply with respect to gifts made before or after the passing of this Act by any person who shall die after the passing of this Act.

Special provisions as to subsidy payable in cases where two or more counties have united.

12. Notwithstanding anything to the contrary in section nine of the Appropriation Act, 1916, but subject to the limitations imposed by subsection four or subsection five (as the case may require) of that section, the amount of subsidy payable to the Council of any county that may hereafter be formed by the union of two or more counties shall not in any year be less than the aggregate amount of subsidy paid or payable to the Councils of the united counties in respect of the general rates levied by them in the year immediately preceding their union:

Provided that if any area forming part of a united county is thereafter excluded therefrom the amount of subsidy payable to the Council of the united county in any year after such exclusion shall, save as hereinafter otherwise provided, be reduced by the amount by

which the aggregate amount of the subsidies payable to the uniting counties for the year preceding their union would have been reduced if the aforesaid area had been excluded from any of those counties before the beginning of that year. This proviso shall not operate to reduce the amount of subsidy payable to the Council of the united county below the maximum amount fixed by section nine of the Appropriation Act, 1916.

13. (1.) There shall from time to time, without further appropriation than this Act, be payable out of the Consolidated Fund, by monthly or other periodical instalments, the annual sum of one hundred and fifty pounds, during her life, to Miss Ida Fraser, daughter of the late Sir William Fraser, member of the Executive Council and of the Legislative Council.

Provision for annuity to Miss Fraser.

(2.) The first instalment payable under the last preceding subsection shall be for the period commencing on the first day of August, nineteen hundred and twenty-three.

(3.) In addition to the payment provided for in the foregoing provisions of this section there shall, without further appropriation, be payable to Miss Fraser the sum of five hundred pounds in recognition of the public services rendered by Sir William Fraser while acting as leader of the Legislative Council during the session of Parliament held in the year nineteen hundred and twenty-two.

14. Section seven of the High Commissioner Act, 1908, is hereby amended as follows:—

Additional rate of travelling-allowance for High Commissioner.

- (a.) By omitting the words "one pound ten shillings for each day he is so engaged," and substituting the words "two pounds for each day he is so engaged within the United Kingdom, or two pounds ten shillings for each day he is so engaged elsewhere than in the United Kingdom"; and
- (b.) By omitting from the proviso the words "two hundred and fifty pounds," and substituting the words "four hundred pounds."

15. (1.) The Minister of Finance shall, for the purposes of the year commencing on the first day of April, nineteen hundred and twenty-four, pay out of the Consolidated Fund into the Revenue Fund of the Main Highways Account, without further appropriation than this section, such sums as may be required for the purposes of that fund, being not less in the aggregate than thirty-five thousand pounds.

Appropriation of moneys for purposes of Main Highways Account.

(2.) The Minister of Finance shall, for the purposes of the year commencing on the first day of April, nineteen hundred and twenty-four, pay out of the Public Works Fund into the Construction Fund of the Main Highways Account, without further appropriation than this section, such sums as may be required for the purposes of that fund.

(3.) In addition to the moneys paid into the Construction Fund of the Main Highways Account pursuant to the foregoing provisions of this section the Minister of Finance may, at any time after the thirty-first day of March, nineteen hundred and twenty-four, transfer from the Public Works Fund to the said Construction Fund any amounts appropriated for the preceding financial year for roads which have before the date of such transfer been declared to be main highways

under the Main Highways Act, 1922, and unexpended on the thirty-first day of March, nineteen hundred and twenty-four.

(4.) The amounts to be transferred from the Public Works Fund to the Construction Fund of the Main Highways Account pursuant to subsections two and three of this section shall be not less in the aggregate than two hundred thousand pounds.

Maori Land Board's administrative expenses may be charged on its funds.

16. (1.) Any Maori Land Board shall out of the funds of the Board, pay into the Consolidated Fund such sums as may from time to time be approved by the Native Minister for the purpose of recouping the Consolidated Fund in respect of moneys paid out of that fund for the Board's administrative expenses.

REFER TO INSET APPENDED

(2.) All moneys heretofore paid to the Consolidated Fund by any Maori Land Board in respect of the administrative expenses of that Board shall be deemed to have been lawfully so paid.

Authority of Minister to fix charges in respect of goods handled by him but not carried on the railway.

17. (1.) The power to fix scales of charges conferred on the Minister of Railways by section ten of the Government Railways Act, 1908, shall include, and shall be deemed always to have included, the power to fix scales of charges for sorting goods brought on to the railway and sorted by the Minister in any shed on the railway or on any other part of the railway, whether such goods are or are intended to be carried on the railway or not, and notwithstanding that such goods may be brought on to the railway in pursuance of any agreement or arrangement entered into or made by the Minister with respect to the working by the Minister of any wharf or jetty.

Refer: 1926 Inset

(2.) The Minister of Railways may, on application in that behalf made within three months after the passing of this Act, authorize the refund of any moneys received by him on or before the twenty-eighth day of November, nineteen hundred and twenty-two, by way of charges for sorting goods landed at the Wanganui wharf and not carried on the railway, to the person or persons by whom any such moneys were paid to the Minister. Any such refund may be made without further appropriation than this section.

Section 4 of Government Railways Amendment Act, 1911, amended.

18. Subsection one of section four of the Government Railways Amendment Act, 1911, is hereby amended by omitting the words "form part of the common fund of the Public Trust Office," and substituting the words "be invested by him in such manner as may be prescribed by regulations in that behalf."

Refer: 1926 Inset

Certain concessions to members of General Assembly resident in South Island with respect to steamer passages.

19. (1.) Notwithstanding anything in section nineteen of the Civil List Act, 1920, every member of the General Assembly resident in the South Island shall be entitled during each financial year to receive for his own use exclusively tickets for not more than twelve passages between the Port of Wellington and such one of the ports of Lyttelton, Picton, or Nelson as is most convenient of access to his home.

(2.) Every such ticket shall be paid for out of moneys to be appropriated by Parliament for the purpose.

(3.) No member to whom this section applies shall be entitled to receive any payment under section nineteen of the Civil List Act, 1920, in respect of fares for any passage made after the passing of this Act between the Port of Wellington and any of the aforesaid ports in the South Island.

REFER TO INSET APPENDED

20. (1.) On the termination of the appointment of the Commissioner or of an Assistant Commissioner under the Public Service Act, 1912 (otherwise than by his removal from office under section ten of that Act), the Commissioner or Assistant Commissioner, as the case may be, shall be eligible for appointment to the Public Service as if he were an officer of that service within the meaning of the said Act.

Protecting superannuation rights of officers of Public Service who may be appointed as Commissioner or Assistant Commissioner.

(2.) On the termination as aforesaid of the appointment of the Commissioner or of an Assistant Commissioner to whom section nine of the Public Service Act, 1912, applies, he shall, unless he is appointed or reappointed to the office of Commissioner or Assistant Commissioner, or appointed to another office of the Public Service, or has declined to accept such reappointment or any such appointment as aforesaid, be entitled to receive from the Public Service Superannuation Fund an annual retiring-allowance for the rest of his life computed in the manner prescribed by Part II of the Public Service Classification and Superannuation Act, 1908, notwithstanding that he may not have attained the age or have had the length of service which would entitle him in accordance with the terms of that Act to a retiring-allowance.

RPLD. by s. 121 (Schd.) of 1927, No. 27.

21. (1.) The right conferred on contributors to the Public Service Superannuation Fund, the Teachers' Superannuation Fund, or the Government Railways Superannuation Fund by section eleven of the Public Expenditure Adjustment Act, 1921-22, to elect to continue to contribute to any such fund as if their salaries or wages had not been reduced by the operation of that Act is hereby extended to empower any such contributor who, after the thirty-first day of December, nineteen hundred and twenty-one, and before the passing of the Public Expenditure Adjustment Act, 1921-22, was appointed to any position to elect to contribute on the basis of the salary that would on the date of such appointment have been appropriate to that position if the Public Expenditure Adjustment Act, 1921-22, had not been passed.

Extension of right of election to contribute to Superannuation Fund as if Public Expenditure Adjustment Act had not been passed.

(2.) Any election under this section may be made at any time before the thirty-first day of December, nineteen hundred and twenty-three.

22. Notwithstanding anything to the contrary in the Public Service Classification and Superannuation Amendment Act, 1908, a contributor to the Teachers' Superannuation Fund who becomes a student at a training college established under the Education Act, 1914, shall not be deemed to have retired from the Education service so long as he continues to be a student at the training college.

Protecting superannuation rights of contributors to Teachers' Superannuation Fund who become students at training college.

23. Whereas a superannuation fund under the Local Authorities Superannuation Act, 1908, was established by the Westport Harbour Board as from the first day of April, nineteen hundred and eighteen, for the benefit of the permanent employees of that Board: And whereas permanent employees of the Board at that date were required, by the resolution establishing the fund, to become contributors thereto within six months from that date: And whereas Robert Henry Watson Richardson, one of such permanent employees, being then absent with the Expeditionary Force, was unable to comply with such

Special provision as to service of R. H. W. Richardson for superannuation purposes.

requirement: And whereas he did not become a contributor to the said fund until the first day of October, nineteen hundred and twenty: And whereas by virtue of the Westport Harbour Act, 1920, he is now a contributor to the Public Service Superannuation Fund, but by reason of his not having become a contributor to the Westport Harbour Board's Superannuation Fund within the time limited as aforesaid is not entitled to count for the purposes of a retiring-allowance under the Public Service Classification and Superannuation Act, 1908, the portion of his service as a permanent employee of the Westport Harbour Board prior to the first day of October, nineteen hundred and twenty, aforesaid: And whereas it is deemed equitable that he should be entitled to count such service for the purpose of such retiring-allowance: Be it therefore enacted as follows:—

(1.) The said Robert Henry Watson Richardson, on payment by him into the Public Service Superannuation Fund of an amount determined as hereinafter in this section provided, shall be entitled to count for the purpose of a retiring-allowance under the Public Service Classification and Superannuation Act, 1908, the whole period of his service as a permanent employee of the Westport Harbour Board, and such service shall, notwithstanding his absence from duty for any period, be deemed to be continuous service.

(2.) The amount to be paid by him into the Public Service Superannuation Fund pursuant to this section shall be such amount as the Public Service Superannuation Board may determine, not exceeding the amount that he would have paid into the Westport Harbour Board's Superannuation Fund for the period elapsing between the first day of April, nineteen hundred and eighteen, and the said first day of October, nineteen hundred and twenty, had he become a contributor thereto on such first-mentioned date, together with interest thereon at such rate and for such period as the said Superannuation Board may determine.

24. (1.) Where pursuant to regulations under the Magistrates' Courts Act, 1908, or other lawful authority, any fees payable under or by virtue of that Act in respect of mileages may be paid otherwise than by means of stamps, such fees may be paid to the bailiff or other person entitled, and shall not be payable into the Consolidated Fund.

(2.) Section one hundred and sixty-eight of the Magistrates' Courts Act, 1908, shall be read subject to the provisions of this section.

25. (1.) This section shall apply with respect to the Public Trust Office Investment Board, the Government Insurance Board, the State Advances Board, the Public Service Superannuation Board, the Teachers' Superannuation Board, the State Fire Insurance Board, the Native Trust Office Board, and any other Board that may be charged with the control or investment of public moneys.

(2.) In addition to the full number of members that may be appointed to any Board to which this section applies the Governor-General may appoint Josephus Hargreaves Richardson, Esquire, retired Government Insurance Commissioner, as a member of that Board, to hold office during his pleasure.

Mileage fees may be paid to bailiff.

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Authority for appointment of J. H. Richardson, Esquire, to membership of certain Boards.

RPLD: S

PART II.

LOCAL AUTHORITIES AND PUBLIC BODIES.

26. The trustees of the Auckland Savings-bank are hereby authorized and empowered to contribute out of the surplus profits of the bank a sum not exceeding ten thousand pounds to the funds of the Auckland University College.

Authorizing trustees of Auckland Savings-bank to contribute £10,000 to Auckland University College.

27. All moneys paid or expended by the Auckland City Council during the financial years ending on the thirty-first day of March, nineteen hundred and twenty-two, and the thirty-first day of March, nineteen hundred and twenty-three, in or about the preparation, printing, and publishing of a municipal handbook and of a history of the City of Auckland shall be deemed to have been lawfully paid and expended, and such payment is hereby validated.

Expenditure by Auckland City Council on municipal handbook validated.

28. (1.) It shall be and be deemed to have been lawful—

(a.) For any local authority to expend out of its general fund (whether before or after the passing of this Act) any sum or sums of money on the preparation of or otherwise in connection with exhibits for inclusion in the official New Zealand Section at the British Empire Exhibition :

Local authorities authorized to expend moneys on exhibits for British Empire Exhibition.

(b.) For any Harbour Board to remit any charges payable to the Board in connection with any exhibits passing over the wharves under its control, either on the way to or on return from that Exhibition.

(2.) For the purposes of this section the term "local authority" means a Borough Council, County Council, Road Board, Town Board, Harbour Board, Education Board, Hospital Board, or Electric-power Board.

29. (1.) It shall be and be deemed to have been lawful for any local authority to expend out of its general fund any sum or sums of money for the purpose of welcoming, entertaining, and otherwise providing hospitality for Rear-Admiral Gilly and the officers and men of the French cruiser "Jules Michelet," and the members of the French Mission accompanying the vessel, during their visit to New Zealand.

Validating expenditure by local bodies in respect of visit of the cruiser "Jules Michelet."

(2.) For the purposes of this section the term "local authority" means a Borough Council, County Council, Road Board, Town Board, Harbour Board, Education Board, Hospital Board, or Electric-power Board.

30. For the purposes of any special rate to be made and levied by the Kawhia Harbour Board as security for any loan raised to pay off its antecedent liability under the Local Bodies' Finance Act, 1921-22, the area comprised in the Kawhia County shall be deemed to be the harbour district.

Kawhia Harbour Board may levy rate to secure loan for antecedent liability over area comprised in Kawhia County.

31. Whereas a certain area, known as Lansdowne, was added to the Borough of Masterton on the first day of April, nineteen hundred and twenty-one, and the borough was on that date divided into two wards—namely, the South Ward and the North Ward—the North Ward comprising the area added to the borough as aforesaid, and the South Ward comprising the area within the borough prior to the alteration of boundaries: And whereas the antecedent liability of the borough as defined in section five of the Local Bodies' Finance Act, 1921-22, was

Masterton Borough Council may create special-rating area for loan to extinguish antecedent liability.

fourteen thousand eight hundred and nineteen pounds four shillings and twopence, and the Council proposes to raise a loan for the purpose of extinguishing such antecedent liability: And whereas no part of such antecedent liability was expended or incurred in or on behalf of the area comprised within the North Ward, and it is desired that provision should be made enabling the Council to declare the South Ward a special-rating area for the purpose of levying a special rate to secure the repayment of such loan and of the interest thereon: Be it therefore enacted as follows:—

(1.) The Masterton Borough Council is hereby empowered to constitute the South Ward of the Borough of Masterton a special-rating area over which shall be made the special rate to secure the repayment of a loan to be raised by the Council for the extinction of the antecedent liability of the Council as defined in the Local Bodies' Finance Act, 1921–22. Notwithstanding anything to the contrary in the said Act, the said Council may borrow under the provisions of that Act the whole amount of its antecedent liability as aforesaid.

(2.) This section shall be deemed to have come into force on the thirtieth day of January, nineteen hundred and twenty-two, being the date of the commencement of the Local Bodies' Finance Act, 1921–22.

32. The Ashburton County Council may, out of its ordinary revenues, pay to Mary Ann Morrison, widow of the late Charles Morrison, formerly Engineer to the said Council, a sum not exceeding one hundred and fifty pounds by way of compassionate allowance.

33. It shall be lawful for the Board of Governors of the Wellington College and Girls' High School to refund to the members of that Board all moneys heretofore or hereafter paid by them in respect of the surcharge made by the Controller and Auditor-General pursuant to the Public Revenues Act, 1910, in respect of the payment by the Board of certain moneys in connection with the school magazine called *The Wellingtonian*.

34. All rates made by the Wairau River Board during the year ended on the thirty-first day of March, nineteen hundred and twenty-three, on a uniform scale instead of on a graduated scale according to a classification made by the Board of the rateable property within its district, as required by the River Boards Amendment Act, 1913, are hereby validated and declared to have been lawfully made.

35. Where in any district constituted under Part III of the Rabbit Nuisance Act, 1908, it has been determined, pursuant to a poll of the ratepayers of the district taken under the provisions of section four of the Rabbit Nuisance Amendment Act, 1920, that the rates leviable therein for the purposes of the said Part III shall be levied on an acreage basis, any other rates leviable on rateable property by the Board of the district pursuant to any lawful authority (including any special rate leviable in respect of any loan) shall also be made and levied on an acreage basis, and the provisions of any enactment authorizing the levying of rates on any other basis shall be read subject to the provisions of this section.

36. (1.) Any special resolution passed by a local authority under subsection one of section two of the Local Authorities Superannuation Amendment Act, 1912 (whether such resolution has been passed before or after the passing of this Act), may be in like manner from time to

Authorizing Ashburton County Council to pay compassionate allowance to widow of the late County Engineer.

Authorizing Board of Governors of Wellington College to refund to their members amount of certain surcharge.

Validating certain rates made by Wairau River Board.

Extension of provisions as to levying rates on an acreage basis for purposes of Rabbit Nuisance Act.

Local authority may by resolution amend any resolution made under section 2 of Local Authorities Superannuation Amendment Act, 1912.

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time amended, but not so as to reduce the benefits to which any person may be entitled who is then a contributor to the superannuation fund established by the local authority or who may have theretofore retired from the service of that local authority.

(2.) Every amending resolution passed under the authority of this section shall be subject to the provisions of section six of the Local Authorities Superannuation Act, 1908, in the same manner as if it were a special resolution establishing a fund.

37. (1.) The authority conferred on the Minister of Internal Affairs by subsection five of section three of the Local Bodies' Finance Act, 1921-22, to fix the limit of the power to borrow moneys by way of bank overdraft in the case of local authorities constituted after the commencement of that Act is hereby extended so as to enable that Minister to fix the limits of the power to borrow by way of bank overdraft, during the second year of their existence, of the Rotorua Borough Council and the Manawatu-Oroua River Board respectively, and during the third and fourth years of its existence of the Wairoa Electric-power Board.

As to overdraft authority of certain recently constituted local authorities.

(2.) In the case of the several local authorities aforesaid the limits imposed by subsection two of the aforesaid section three shall not apply with respect to any year prior to the year ending on the thirty-first day of March, nineteen hundred and twenty-four.

38. Section eleven of the Finance Act, 1921, is hereby amended by omitting from subsection one the words "not less than ten years."

As to powers of Governor-General to modify conditions subject to which local authorities have been empowered to borrow money.

Refer: 1926 Inset

PART III.

MISCELLANEOUS.

39. (1.) Where moneys have been paid by a tenant and accepted by a landlord as rent for a definite period of the term of a tenancy such payment shall be deemed to be a complete discharge to the tenant from further liability for rent for such period, notwithstanding that such moneys may be less than the rent reserved by or payable pursuant to the contract of tenancy, unless it is proved that, at or before the time of such payment and acceptance, there was an express stipulation by or on behalf of the landlord that such acceptance should not bar the right of the landlord thereafter to claim payment from the tenant of the balance, or any portion of the balance, of the full rent for that period.

Protection of tenant in cases where landlord has agreed to reduction of rent, but without sufficient legal formalities.

(2.) This section shall apply notwithstanding that in any case the rent may be reserved by deed, and payable by covenant.

(3.) This section shall apply whether any moneys paid as aforesaid have been so paid before or after the passing of this Act.

(4.) This section shall continue in force only while Part I of the War Legislation Amendment Act, 1916, is in operation.

40. Section six of the Rural Credit Associations Act, 1922, is hereby amended by repealing subsections two, three, four, and five thereof.

Section 6 of Rural Credit Associations Act, 1922, amended