

New Zealand.



ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p style="text-align: center; margin: 10px 0;">PART I.</p> <p style="text-align: center; margin: 5px 0;">PUBLIC REVENUES AND LOANS.</p> <p>2. Extending powers of Minister of Finance under New Zealand Debt Conversion Act, 1932-33.</p> <p>3. Section 48 of New Zealand Loans Act, 1932, amended.</p> <p>4. Certain New Zealand stock may be registered in name of Postmaster-General.</p> <p>5. Reducing rate of interest on loans to Samoan Treasury.</p> <p>6. As to issue and taking effect of Proclamation under section 15 of Reserve Bank of New Zealand Act, 1933.</p> <p>7. Section 3 of Motor-spirits Taxation Amendment Act, 1928, amended. Repeal.</p> <p>8. Section 19 of Finance Act, 1932-33 (No. 2), amended.</p> <p>9. Schedule to Finance Act, 1932-33 (No. 2), amended.</p> <p>10. Reducing by 10 per cent. subsidies payable under section 70 of Rabbit Nuisance Act, 1928.</p> <p>11. Portion of totalizator duty to be payable to racing clubs during financial year 1934-35.</p> <p>12. Section 26 of Government Life Insurance Act, 1908, extended.</p> <p>13. Provision for an additional member of Government Insurance Board.</p> | <p>14. Allowance to leader of Official Opposition in House of Representatives.</p> <p>15. Authorizing payment to be made to member of Parliament as member of Native Rating Committee.</p> <p>16. Special provision as to leave of absence for Hon. W. D. Stewart, M.P., and Walter Nash, Esq., M.P., during current session.</p> <p>17. Section 28 of Unemployment Amendment Act, 1931, amended.</p> <p>18. Certain stamp duty and interest-tax payments to be deducted from income in assessing emergency unemployment charge.</p> <p>19. Agreements under section 28 of Finance Act, 1931 (No. 4), may provide for payment of interest.</p> <p>20. Validating Order in Council varying the rate of interest payable by the Native Trustee on capital moneys invested in the Common Fund of the Native Trust Office.</p> <p>21. Validating payment of subsidy to Hairini and Mangapiko Rabbit Boards.</p> <p>22. Validating certain payments in respect of travelling-expenses to members of Transport Licensing Authorities.</p> <p>23. Repeal of Kauri-gum Control Act, 1925, on date to be fixed in that behalf by Order in Council.</p> <p>24. Amendments of Kauri-gum Industry Act, 1908, and its amendments.</p> |
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1933, No. 41.

AN ACT to make Provision with respect to Public Finance and other Matters. Title.
[22nd December, 1933.]

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

1. This Act may be cited as the Finance Act, 1933 Short Title.
 (No. 2).

PART I.

PUBLIC REVENUES AND LOANS.

2. (1) This section shall be read together with and deemed part of the New Zealand Debt Conversion Act, 1932-33 (hereinafter referred to in this section as the principal Act). Extending powers of Minister of Finance under New Zealand Debt Conversion Act, 1932-33.

(2) The Minister is hereby authorized, and shall be deemed to have been authorized as from the passing of the principal Act, to agree to the conversion of any existing securities bearing interest at a rate not exceeding four per centum per annum, and also any existing securities in respect of which the places fixed as at the thirty-first day of March, nineteen hundred and thirty-three, for the payment of interest and for the repayment of principal are both beyond New Zealand.

(3) Notwithstanding anything contained in the principal Act the Minister may agree, and shall be deemed to have been authorized as from the passing of the principal Act to agree, to the conversion from the thirty-first day of March, nineteen hundred and thirty-three, of any existing securities on such terms as to interest, date

or dates of maturity, premium, or otherwise as may be mutually agreed upon between the Minister and the holder :

Provided that in no case shall the rate of interest exceed the appropriate rate specified in section sixteen of the principal Act, and that the premium (if any) on such securities shall not be calculated otherwise than in accordance with the provisions of section eighteen of the principal Act.

(4) All New Zealand Government stock available for payment of death duties heretofore issued in conversion of existing securities is hereby declared to have been lawfully issued notwithstanding that the existing securities were not issued with the condition of availability for payment of death duties attached thereto.

3. Subsection one of section forty-eight of the New Zealand Loans Act, 1932, is hereby amended as from the first day of April, nineteen hundred and thirty-three, by omitting the words "ten pounds" wherever they appear and in each case substituting the words "five pounds", and by adding the words "or such other amount as the Registrar may in any particular case agree to".

4. (1) Any New Zealand Government stock now or hereafter held or to be held in respect of investments of moneys belonging to the Post Office Account may be registered by the Registrar of Stock in the name of the Postmaster-General.

(2) In respect of any stock registered or to be registered in the name of the Postmaster-General, the Postmaster-General may by Warrant under his hand appoint any one or more officers of the Post and Telegraph Department on his behalf to sign applications for and transfers of such stock, and execute any other instruments in connection therewith.

5. The rate of interest payable on all loans made on or before the thirty-first day of March, nineteen hundred and thirty-three, to the Samoan Treasury, pursuant to the authority conferred by section thirty-three of the Samoa Act, 1921, section twenty-six of the Finance Act, 1921-22, section four of the Finance Act, 1925, and section four of the Finance Act, 1926, is hereby reduced as from that date to the rate of four and one-quarter per centum per annum.

Section 48 of
New Zealand
Loans Act, 1932,
amended.

Certain New
Zealand stock
may be
registered in
name of
Postmaster-
General.

Reducing rate of
interest on loans
to Samoan
Treasury.

6. Notwithstanding anything contained in the Reserve Bank of New Zealand Act, 1933, a Proclamation may be issued under section fifteen of that Act at any time after the passing of this Act, but if, by the date fixed in such Proclamation as the date on and after which the Reserve Bank shall have the right to issue bank-notes, seventy-five per centum of the capital of the Bank has not been paid up such Proclamation shall not have effect until the date on which notification of seventy-five per centum of such capital having been paid up is given by the Reserve Bank to the Minister of Finance and the other banks. In such case such last-mentioned date shall for all purposes be deemed to be the date proclaimed by the Governor-General in accordance with the said section fifteen, and a notice to that effect under the hand of the Minister of Finance shall be published in the *Gazette*.

As to issue and taking effect of Proclamation under section 15 of Reserve Bank of New Zealand Act, 1933.

Sec. 6 sup.
1936 No. 1; 2nd Sch.

7. (1) Subsection one of section three of the Motor-spirits Taxation Amendment Act, 1928, is hereby amended as follows:—

Section 3 of Motor-spirits Taxation Amendment Act, 1928, amended.

- (a) By omitting the words “in the month following”, and substituting therefor the words “within two months after”; and
- (b) By inserting, after the words “is lawfully payable”, the words “but if such application is not made within the first of such two months the amount of the refund shall be reduced by ten per centum thereof”.

(2) Section thirty-eight of the Finance Act, 1932, is hereby repealed.

Repeal.

8. Section nineteen of the Finance Act, 1932-33 (No. 2), is hereby amended as follows:—

Section 19 of Finance Act, 1932-33 (No. 2), amended.

- (a) By omitting from paragraph (a) of subsection one thereof all words before the words “the motive power”, and substituting the words “A motor-vehicle (other than a traction-engine) licensed or liable to be licensed under the Motor-vehicles Act, 1924”:

Sec. 8 & 9 sup.
1934/5 No. 53 Sec.
H(11).

- (b) As from the passing of that Act, by omitting from subsection three all words after the words “lodged as aforesaid”, and substituting the following words: “In respect of any such payments becoming due and payable on or after the seventh day of July, nineteen hundred and thirty-three, there shall also be

paid by the owner to the Deputy Registrar a penalty for exceeding the period allowed in the lodging of such declaration or paying such tax, such penalty being computed at the rate of ten per centum of the amount of the tax if the payment or lodgment is made within seven clear days from the day of termination of such period, the said penalty being increased by a further five per centum for each additional term of seven days or part thereof by which the said period is exceeded”.

Schedule to
Finance Act,
1932-33 (No. 2),
amended.

9. The Schedule to the Finance Act, 1932-33 (No. 2), is hereby amended as from the passing of that Act by adding to clause three thereof the words “or, in the case of any such motor-vehicle of a type or types specified by the Governor-General by Order in Council in that behalf, at the rate specified in such Order in Council”.

Reducing by 10
per cent.
subsidies payable
under section 70
of Rabbit
Nuisance Act,
1928, - 1936
Sec. 10
nd. 16 - 50 (-)
Portion of
totalizator duty
to be payable to
racing clubs
during financial
year 1934-35.

10. All subsidies payable out of the Consolidated Fund pursuant to section seventy of the Rabbit Nuisance Act, 1928, on the amount received by any Rabbit Board in respect of its general rates made and levied in the current financial year or in any year thereafter shall be reduced by any amount equal to ten per centum thereof.

11. In respect of the financial year ending on the thirty-first day of March, nineteen hundred and thirty-five, every racing club may deduct and retain for its own use from the totalizator duty payable by it under section one hundred and ninety-two of the Stamp Duties Act, 1923, as amended by subsection two of section twenty-five of the Finance Act, 1930, in connection with every race meeting or separate day of a race meeting conducted by it in that year, an amount equal to one-tenth of the amount of such duty so payable by it.

12. Notwithstanding anything contained in section twenty-six of the Government Life Insurance Act, 1908, the Government Insurance Commissioner may from time to time transfer from the Government Insurance Account to any account kept at a bank in London, under subsection three of that section, such sums as he deems necessary.

13. In addition to all other appointments he may make of members of the Board constituted by section thirty-two of the Government Life Insurance Act, 1908, the Governor-General in Council may appoint as a

Section 26 of
Government Life
Insurance Act,
1908, extended.

Provision for an
additional
member of
Government
Insurance
Board.

member of that Board, to hold office during his pleasure, Alfred Ernest Allison, Esquire, formerly Government Insurance Commissioner.

14. In addition to the payment authorized to be made to him by section seventeen of the Civil List Act, 1920, there shall in each year be paid to the member of the House of Representatives who is for the time being leader of the Official Opposition an allowance at the rate of one hundred and sixty pounds per annum.

15. The provisions of the Electoral Act, 1927, or any other Act as to disqualification of members of Parliament, shall not apply to any payment which, under the authority of any appropriation now or hereafter made by Parliament, has been or may hereafter be received by any member of Parliament by way of remuneration for services rendered by him as a member of and in connection with a Committee appointed on the eighteenth day of April, nineteen hundred and thirty-three, to inquire into matters relating to the rating of Native lands.

16. For the purposes of section eighteen of the Civil List Act, 1920, the exemption from deduction for absence during the present session of Parliament for fourteen sitting-days shall in the case of the Honourable William Downie Stewart, and of Walter Nash, Esquire, members of Parliament, be reckoned from the first day of November, nineteen hundred and thirty-three, and allowed accordingly, and the said members shall be deemed to have been unavoidably absent during the months of September and October while they were participating in international and inter-Empire conferences overseas.

17. (1) Section twenty-eight of the Unemployment Amendment Act, 1931, is hereby amended by adding thereto the following subsection:—

“(6) There may be paid to the members of any Committee appointed under this section such allowances, travelling and other expenses, as may be prescribed by regulations in that behalf, and the authority conferred on the Governor-General by section twenty-two of the principal Act is hereby extended to enable him to make such regulations.”

(2) All payments of allowances, travelling and other expenses, made (whether before or after the passing of this Act) to members of any Committee appointed

Allowance to leader of Official Opposition in House of Representatives.

Authorizing payment to be made to member of Parliament as member of Native Rating Committee.

Special provision as to leave of absence for Hon. W. D. Stewart, M.P., and Walter Nash, Esq., M.P., during current session.

Section 28 of Unemployment Amendment Act 1931, amended.

Secs 17, 18 & 19

by:-

1936, Vol. 3

Sched:-

under the said section twenty-eight before the making of regulations under that section, as amended by the last preceding subsection, are hereby validated and declared to have been lawfully made.

18. Notwithstanding anything contained in the Unemployment Amendment Act, 1931, in assessing the emergency unemployment charge payable under that Act by any person in respect of income in any year other than salary or wages there shall be deducted from his income, as defined by section eighteen of that Act, all amounts paid by him in that year as stamp duty under section forty-six of the National Expenditure Adjustment Act, 1932, or interest-tax under the Finance Act, 1932-33.

19. (1) Every agreement entered into between the Unemployment Board and a local authority pursuant to section twenty-eight of the Finance Act, 1931 (No. 4), as amended by section nineteen of the Finance Act, 1932 (No. 2), may provide for the payment by the local authority in respect of any moneys payable by it under such agreement of interest at such rate as the Minister of Finance approves.

(2) Every such agreement entered into before the passing of this Act may by agreement between the parties thereto be altered to provide for payment of interest as aforesaid and, where necessary, may be so altered to provide for such payment from a date prior to the passing of this Act.

20. Whereas by an Order in Council (hereinafter referred to as the said Order), dated the eighteenth day of September, nineteen hundred and thirty-three, and published in the *Gazette* of the twenty-first day of that month, the regulations then in force under the Native Trustee Act, 1930, were varied in the manner set forth in the Schedule to the said Order, as from the first day of April, nineteen hundred and thirty-two: And whereas doubts have been expressed as to the validity of the said Order: Be it therefore enacted as follows:—

The said Order is hereby validated and declared to have taken effect according to its tenor as from the said first day of April, nineteen hundred and thirty-two.

21. The payments out of the Consolidated Fund during the financial year ended the thirty-first day of March, nineteen hundred and thirty-three, to the Hairini Rabbit Board of the sum of ninety-four pounds eighteen shillings

Certain stamp duty and interest-tax payments to be deducted from income in assessing emergency unemployment charge.

Agreements under section 28 of Finance Act, 1931 (No. 4), may provide for payment of interest.

Validating Order in Council varying the rate of interest payable by the Native Trustee on capital moneys invested in the Common Fund of the Native Trust Office.

Validating payment of subsidy to Hairini and Mangapiko Rabbit Boards.

and elevenpence, and to the Mangapiko Rabbit Board of the sum of ninety-three pounds sixteen shillings, in each case by way of subsidy on general rates under section seventy of the Rabbit Nuisance Act, 1928, are hereby validated and declared to have been lawfully made.

22. All payments to members of Licensing Authorities under the Transport Licensing Act, 1931, which would have been lawful if the Transport Licensing (Passenger-service) Regulations, 1933, made under that Act and published in the *Gazette* of the thirteenth day of April, nineteen hundred and thirty-three, had been in force at the time or times such payments were made, are hereby validated and declared to have been lawfully made.

Validating certain payments in respect of travelling-expenses to members of Transport Licensing Authorities.

23. (1) On a date to be fixed in that behalf by the Governor-General by Order in Council (hereinafter referred to as the said date), the Kauri-gum Control Act, 1925 (hereinafter referred to as the said Act), shall be deemed to be repealed, and on the said date all property of the Kauri-gum Control Board (hereinafter called the Board), constituted by the said Act, shall be vested in, and all rights, liabilities, and engagements of the Board shall become rights, liabilities, and engagements of, His Majesty.

Repeal of Kauri-gum Control Act, 1925, on date to be fixed in that behalf by Order in Council.

(2) For the purpose of enforcing any such right, or discharging any such liabilities and engagements, the Minister of Lands may exercise and perform any of the powers, duties, and obligations of the said Board in all respects as if the said Act had not been repealed.

(3) All funds standing to the credit of any account of the Board at the said date, and all moneys received by the Minister of Lands under the last preceding subsection, shall be paid into a deposit account within the Consolidated Fund, and all moneys which after the said date would, but for the passing of this section, be payable to or by the Board shall be payable into or out of the said deposit account without further appropriation than this section.

24. (1) Section nine of the Kauri-gum Industry Act, 1908, is hereby amended by omitting from paragraph (e), as amended by section four of the Kauri-gum Industry Amendment Act, 1927, the words "or other appropriate authority".

Amendments of Kauri-gum Industry Act, 1908, and its amendments.

(2) Section twenty-six of the Kauri-gum Industry Act, 1908, as amended by the Kauri-gum Industry Amendment Act, 1910, and the Kauri-gum Industry Amendment Act, 1927, is hereby further amended by omitting from paragraph (a) the words " or other authority by which the license was issued or last renewed, as the case may be "; and by omitting from paragraph (b) the words " or other authority as aforesaid ".

(3) The Kauri-gum Industry Amendment Act, 1927, is hereby amended as follows:—

(a) As to section three, by omitting from subsection two the words " Kauri-gum Control Board established under the Kauri-gum Control Act, 1925 ", and substituting the word " Commissioner ":

(b) As to section four—

(i) By inserting in subsection one, after the words " endorsement thereon ", the words " by the Commissioner or some person authorized by him in that behalf ", and by omitting from the same subsection all words after the words " has been paid ":

(ii) By repealing subsections two and three:

(c) As to subsection two of section five, by omitting the words " Kauri-gum Control Board ", and substituting the word " Commissioner "; and by omitting the word " it " wherever it occurs, and substituting the word " him ":

(d) By repealing section six.

25. (1) Where, pursuant to the provisions of section eighteen of the Government Railways Amendment Act, 1931, work in connection with the construction of any Government railway or part thereof has been stopped, and no Proclamation taking the land affected has been issued, any person having any estate or interest in the land damaged or injuriously affected by such construction shall be entitled to claim compensation in accordance with the provisions of the Public Works Act, 1928, for such damage or injurious affection, notwithstanding that a claim has not been lodged within the time prescribed by the provisions of section forty-five of the Public Works Act, 1928:

Provided that no such claim shall be made after a period of twelve months from the passing of this Act:

Special provision as to compensation for damage done to certain lands by railway-works, construction of which has been stopped under section 18 of Government Railways Amendment Act, 1931.

Provided further that in the event of construction work on any such railway as aforesaid being proceeded with at any time and the land affected taken by Proclamation, payment of compensation under this section shall be taken into consideration in assessing the compensation payable therefor.

(2) Upon receipt of a notice from the Minister of Public Works that any claim for compensation in respect of the land specified therein (being land to which the last preceding subsection relates) has been settled, whether before or after the passing of this Act, the District Land Registrar shall (without fee) endorse on the title to the land affected a memorial accordingly, and it shall not be necessary to record the like memorial on the duplicate instrument of title.

26. Whereas the land hereinafter described forms portion of an area vested in His Majesty for housing purposes subject to the provisions of the Housing Act, 1919, and known as the Northcote Settlement: And whereas it is desirable to set aside the said land as a site for a public hall, and to vest the same in the Corporation of the County of Waimairi in trust for such purpose: Be it therefore enacted as follows:—

Vesting certain land in Corporation of County of Waimairi as a site for a public hall.

(1) The setting-apart of the land hereinafter described for the purposes of Part I of the Housing Act, 1919, is hereby cancelled, and the said land is hereby permanently reserved as a site for a public hall, and declared to be vested in the Chairman, Councillors, and Inhabitants of the County of Waimairi in trust for that purpose.

(2) The land to which this section relates is particularly described as follows:—

All that area in the Canterbury Land District, containing by admeasurement twenty-four and seven-tenths perches, more or less, being Lot 7 of the Northcote Settlement, situated in Block VII, Christchurch Survey District, Canterbury Land District: as the same is delineated on the plan marked L. and S. 21/255, deposited in the Head Office, Department of Lands and Survey, at Wellington.

27. (1) The Governor-General may by Order in Council fix a date on which the first general regrading of officers employed in the Public Service, the Post and Telegraph Department, or the Department constituted under the Government Railways Act, 1926, shall be

Authority to postpone the first general regrading of officers in the Public Service, the Post and Telegraph Department, and the Government Railways Department.

made after the passing of this Act, and may by the same or a subsequent Order in Council fix the date on which the several regradings shall take effect. Such last-mentioned date may be the date fixed for the making of the several regradings, or may be a date earlier or later than that date.

(2) Every Order in Council under this section shall take effect according to its tenor, anything to the contrary in any other Act notwithstanding.

PART II.

PENSIONS AND SUPERANNUATION FUNDS.

Operation of
Part II of
National
Expenditure
Adjustment Act,
1932.

Subsidy to Public
Service
Superannuation
Fund.

Sections 33 and
78 of Public
Service
Superannuation
Act, 1927,
amended.

Enabling J. S.
Barton, Esq.,
S.M., to elect to
contribute for
superannuation
purposes on basis
of salary before
reductions.

28. Part II of the National Expenditure Adjustment Act, 1932, shall be deemed to have come into force on the first day of April, nineteen hundred and thirty-two.

29. For the year ending the thirty-first day of March, nineteen hundred and thirty-four, all sums which if this section had not been passed would have been payable into the Consolidated Fund pursuant to section twenty of the Finance Act, 1927 (No. 2), shall, without further authority than this section, be paid into the Public Service Superannuation Fund.

30. Subsection two of section thirty-three and subsection two of section seventy-eight of the Public Service Superannuation Act, 1927, are hereby amended by omitting from each of those subsections the words "of his annual salary at the date of his retirement", and in each case substituting the words "of the annual salary on the basis of which he was contributing to the Fund at the date of his retirement".

31. John Saxon Barton, Esquire, Stipendiary Magistrate, may, by notice in writing to the Minister of Finance, given not later than one month after the passing of this Act, elect to have deductions for superannuation purposes made from his salary as if such salary had not been reduced by Part I of the Finance Act, 1931, and Part I of the National Expenditure Adjustment Act, 1932, and on giving such notice shall be entitled on retirement to a retiring-allowance (if any) of the same amount as that to which he would have been entitled if his salary had not been reduced by the said Acts.

32. Notwithstanding anything to the contrary in section thirty-three of the Public Service Superannuation Act, 1927, it shall be and be deemed to have been lawful to pay out of the Public Service Superannuation Fund to each of the persons hereinafter mentioned the full amount of his retiring-allowance under that Act in respect of the period for which he received payments from Government funds for special services rendered to the Government. The persons to whom this section relates are the following, that is to say: Andrew Duncan Thomson, Esquire, in respect of special services rendered as Deputy Public Service Commissioner during the absence of the Public Service Commissioner from New Zealand during the present financial year, and Melvin Brown Esson, Esquire, in respect of special services rendered as representative of the New Zealand Government at the International Telegraph and Radio Telegraph Conference held at Madrid from September to December, nineteen hundred and thirty-two.

Authorizing payments to retired public servants for special services.

Part III applied 1933 No 49, s. 2

PART III.

PUBLIC WORKS AMENDMENT.

33. This Part of this Act shall be read together with and deemed part of the Public Works Act, 1928 (hereinafter in this Part referred to as the principal Act).

This Part to be read with Public Works Act, 1928.

34. In this Part of this Act, unless the context otherwise requires,—

See Reprint of Statutes, Vol. VII, p. 622

“Irrigation agreement” means an agreement made in writing by or on behalf of His Majesty the King and the owner or occupier of any land for the supply of water to that land from any water-supply works constructed or to be constructed by the Minister under the authority of section two hundred and seventy-four of the principal Act; and includes a covenant contained in a lease of Crown land pursuant to subsection twelve of section two hundred and seventy-eight of that Act:

Interpretation.

“Land” means land held in fee-simple or under a lease as defined in subsection three of section two hundred and seventy-eight of the principal Act; and includes a mining privilege:

See Reprint
of Statutes,
Vol. V, p. 943

Registration of
irrigation
agreement
against whole
property of
which irrigated
land forms
part.

“Mining privilege” means a mining privilege under the Mining Act, 1926 :

“Owner or occupier” includes the holder of a mining privilege or of any share or interest therein.

35. (1) At the time of the registration of any irrigation agreement in respect of the land to which water is to be supplied thereunder, or at any time and from time to time thereafter (whether the agreement has been made or so registered before or after the passing of this Act), such agreement may also be registered in respect of any contiguous land that at the time of the registration in respect thereof is owned or occupied by the owner or occupier of such first-mentioned land. For the purposes of this section any land that is separated from such first-mentioned land only by a road, railway, or river, or by any other land in respect of which the irrigation agreement is registered, shall be deemed to be contiguous to such first-mentioned land.

(2) For the purpose of registering an irrigation agreement in respect of any land pursuant to this section the District Engineer of the Public Works Department for the district in which the land is situated may, without fee, deposit with the District Land Registrar or Registrar of Deeds, as the case may be, in the land registration district in which the land is situated, a certificate under his hand to the effect that the land, as described in the certificate, is contiguous to, and is owned or occupied by the same person as, the land to which water is to be supplied under the irrigation agreement (which shall be identified by reference to its date, parties, and registered number, if any), and thereupon the Registrar shall enter a memorial of such certificate upon the register against the land described therein, and it shall not be necessary to record the like memorial on the duplicate instrument of title. Upon the entry of such memorial the irrigation agreement shall be deemed to be registered in respect of the land described in the certificate.

(3) All land in respect of which any irrigation agreement is registered pursuant to this section shall for the purposes of the principal Act and of this Part of this Act be deemed to be subject to such agreement in the same manner in all respects as if it were part of the land to which water is to be supplied under the agreement :

Provided that nothing in this subsection shall be construed to increase the quantity of water to be supplied or the amount of money to be paid under any such agreement.

36. (1) All moneys that may hereafter become payable to the Crown under an irrigation agreement registered (whether before or after the passing of this Act) in respect of any land shall, until payment thereof, be a charge on such land, and on the stock for the time being depastured on such land, and on the produce of such land or stock, and on the proceeds of the sale of any such stock or produce. Every such charge on any land shall be deemed to have been created at the passing of this Act or at the time of the registration of the agreement in respect of such land, whichever is the later; and such registration shall be deemed to be registration of the charge for the purposes of the Statutory Land Charges Registration Act, 1928.

Moneys payable under irrigation agreement to be a charge on the land and the produce thereof.

(2) In the case of land held under a lease or license, such charge shall extend to the interest (if any) of the lessee or licensee in any improvements to the land, or in any moneys that may be payable by the lessor or licensor or by an incoming tenant or otherwise for any such improvements, whether during the term of the lease or license or thereafter.

See Reprint of Statutes, Vol. VII, p. 1280

(3) Every charge created by virtue of this section shall, save as hereinafter provided, have priority over all existing or subsequent mortgages, instruments by way of security, charges, assignments, or encumbrances howsoever created. Notwithstanding anything to the contrary in any other Act, if any land or other property subject to a charge created by this section is also subject to a charge created by such other Act, such charges shall rank equally with each other unless by virtue of that Act the charge created thereby would be deferred to the charge created by this section.

(4) If, at any time while any moneys that may hereafter become payable under an irrigation agreement registered in respect of any land are unpaid, any person who is not otherwise liable to pay such moneys receives the whole or any portion of the stock for the time being depastured on such land, or of the produce of such land or stock, or of the proceeds of the sale of any such stock or produce, he shall be liable to pay to the Crown

as a debt due by him the moneys so due and unpaid, or the value of the stock and produce and the amount of proceeds so received by him, whichever is the less.

(5) In addition to the powers and remedies expressly conferred on him by any irrigation agreement, His Majesty the King shall, for the recovery of the moneys that may hereafter become payable thereunder, have the same powers and remedies under the Land Transfer Act, 1915 (in the case of land that is subject to that Act), or under the Property Law Act, 1908 (in the case of land to which that Act applies, and of mining privileges), as if such agreement were a mortgage of the land in respect of which it is registered, and as if any mining privilege subject to the agreement were land to which the Property Law Act, 1908, applied :

Provided that, except as otherwise expressly provided in any case by or on behalf of His Majesty, every such agreement and every charge in respect thereof shall continue in full force and effect notwithstanding any sale or lease of the whole or any part of the land subject thereto made, or any other thing done, by or on behalf of His Majesty in pursuance or exercise of any such power or remedy, and notwithstanding any payment by way of redemption made by or on behalf of the owner or occupier :

Provided further that the Mortgagors and Tenants Relief Act, 1933, shall not apply to irrigation agreements.

(6) Upon the expiration or termination of an irrigation agreement, and upon payment of all moneys due thereunder, the Minister shall forthwith cause a memorial of such expiration or termination to be registered. Every such memorial shall be registered in the same manner as if it were an irrigation agreement.

(7) This section shall come into force on a day to be fixed in that behalf by the Governor-General by Order in Council.

37. (1) Section two hundred and seventy-eight of the principal Act is hereby amended by repealing subsection nine, and substituting the following subsection :—

“(9) In the case of land which is subject to the Deeds Registration Act, 1908, any such agreement may be registered, without fee, by causing a duplicate thereof, certified under the hand of the Minister, to be deposited and entry thereof to be made in the Deeds Register Office.”

See Reprint
of Statutes,
Vol. VII,
pp. 1161, 1077

Consequential
amendments of
sections 278 and
280 of principal
Act.

(2) Section two hundred and eighty of the principal Act is hereby amended by repealing subsections one and two, and substituting the following subsections:—

“(1) If at any time any moneys are due and unpaid under an irrigation agreement under this Act, the District Engineer of the Public Works Department for the district in which is situated any land in respect of which such agreement is registered may, without fee, deposit with the District Land Registrar or Registrar of Deeds, as the case may be, in the land registration district in which the land is situated a certificate under his hand specifying the amount due and unpaid in respect of such land, and the Registrar shall thereupon register such certificate in respect of such land. While any such certificate is so registered no transfer, conveyance, mortgage, lease, or other instrument affecting such land, or any estate or interest therein, or any part thereof, shall be registered without the prior consent of the Minister.

“(2) Upon payment to the Crown of the full amount in respect of which a certificate has been registered as aforesaid, and if all moneys that have subsequently accrued due under the agreement have been paid, the District Engineer shall forthwith cause a withdrawal of such certificate to be registered, and the District Land Registrar or Registrar of Deeds shall, without fee, register such withdrawal.

“(2A) Notwithstanding anything to the contrary in the Land Transfer Act, 1915, a certificate or a withdrawal of a certificate under this section may be registered in respect of any land that is protected by a caveat in the Form L in the Second Schedule to that Act.”

38. Where the moneys payable under an irrigation agreement are not to be computed by reference to the quantity of water actually supplied, or where such moneys are to be so computed but the amount of such moneys, or the quantity of water supplied, is to be not less than a specified amount or quantity, such moneys shall, except as otherwise expressly provided by the agreement, be payable for the term of the agreement (or in the case of existing agreements for the residue of the term unexpired at the passing of this Act), so long as water is available in accordance with the

Moneys to be payable under agreements whether water taken or not.

agreement, whether or not such water is actually taken by the owner or occupier, and whether or not the supply of water is at any time cut off in accordance with the agreement on account of any breach thereof by the owner or occupier.

Power of
Minister to
enforce
agreements, &c.

39. The Minister may, for and on behalf of His Majesty the King, sign any document, give any notice, and exercise any power in respect of any irrigation agreement, and do all such other things as he thinks fit for the purpose of enforcing or complying with the agreement or any provision of the principal Act or of this Part of this Act relating thereto.

Special
provisions as to
mining
privileges.

40. (1) Every irrigation agreement made by or on behalf of His Majesty the King and the holder of a mining privilege for the supply of water to that mining privilege shall, when duly registered in respect of that mining privilege in accordance with this Part of this Act, except so far as otherwise expressly provided by this section or by the agreement, run with the said mining privilege at law so as to confer and impose upon every holder of that mining privilege or of any share or interest therein for the time being, and whether at the date of the registration of the agreement or at any time thereafter until the expiry of the agreement by effluxion of time, a right to enforce the agreement, and an obligation to observe and perform the same during the period of his tenure so far as the agreement relates to the mining privilege or the share or interest therein so held by him, and a liability to pay to the Crown all moneys becoming due under the agreement during the period of his tenure in respect of the mining privilege or the share or interest therein so held by him, and all moneys accrued due under the agreement and unpaid in respect of such mining privilege or share or interest therein, as the case may be, at the commencement of his tenure, in the same manner as if such holder had been a party to the agreement.

(2) No agreement that so runs with a mining privilege in accordance with this section shall confer or impose any right or obligation on any party thereto, save in respect of the period of his tenure of the mining privilege or of a share or interest therein.

(3) Notwithstanding anything hereinbefore contained, no such agreement shall confer or impose any right or obligation on any person who holds a mining privilege or any share or interest therein at the date of the registration of the agreement in respect of that mining privilege, or on any person deriving title through any such holder, unless that holder is a party to the agreement or otherwise consents thereto.

(4) Notwithstanding anything hereinbefore contained, no such agreement shall confer or impose any right or obligation on any mortgagee under any mortgage of a mining privilege registered at the time of the registration of the agreement in respect of that mining privilege, or on any person claiming title through any such mortgage, unless that mortgagee is a party to the agreement or otherwise consents thereto.

(5) Any such agreement may be registered, without fee, in respect of any mining privilege by depositing a duplicate thereof, certified under the hand of the Minister, with the Mining Registrar, who shall thereupon register it in the manner prescribed under the Mining Act, 1926.

(6) Where a mining privilege is subject to a mortgage by way of transfer or assignment the owner of the equity of redemption shall for the purposes of this section be deemed to be the holder of the mining privilege.

(7) Sections two hundred and seventy-nine and two hundred and eighty of the principal Act are hereby extended so as to apply to irrigation agreements for the supply of water to mining privileges, with the substitution of references to the Mining Registrar for the references in those sections to the District Land Registrar or the Registrar of Deeds, as the case may be, and with all other necessary modifications.

(8) Notwithstanding anything to the contrary in the Mining Act, 1926, any proceeding in any matter relating to an irrigation agreement that is within the jurisdiction of the Warden's Court under that Act may be brought either in that Court or in any other Court in which it could have been brought if Part IX of that Act had not been passed.

41. Section two hundred and thirty-eight of the principal Act is hereby amended by omitting all words after the words "by order in writing under his hand".

See Reprint
of Statutes,
Vol. V, p. 943

See Reprint
of Statutes,
Vol. V, p. 943

Section 238. of
principal Act
amended.

PART IV.

LOCAL AUTHORITIES AND OTHER PUBLIC BODIES.

With consent of Governor-General in Council, local authorities may borrow by issue of stock.

42. (1) Notwithstanding anything to the contrary in any Act where a local authority is authorized to borrow moneys by the issue of debentures, such local authority may, with the consent of the Governor-General in Council given under the Local Government Loans Board Act, 1926, after compliance with the provisions of that Act, borrow such moneys by the issue of stock. Where such moneys are borrowed in New Zealand such stock shall be inscribed in the books of the Reserve Bank of New Zealand, and, where the moneys are borrowed outside New Zealand, in the books of a bank or other corporation approved by the Governor-General in the Order in Council consenting to the borrowing of such moneys or in any subsequent Order in Council in that behalf.

(2) For the purpose of such inscription the Governor-General in Council may from time to time make regulations prescribing the form of stock or other certificates to be issued, the form of register to be kept, and generally such other matters as he deems necessary to give full effect to this section.

(3) No claim of any person in respect of any such stock or any interest therein or otherwise however shall attach to the Government or be paid out of the public revenues of New Zealand.

(4) In this section "local authority" means any local authority or public body that for the time being is a local authority within the meaning of the Local Government Loans Board Act, 1926, whether by virtue of section two of that Act or of any Order in Council thereunder, or by virtue of the provisions of any other Act.

43. Notwithstanding anything to the contrary in section twenty-two of the Local Bodies' Loans Act, 1926, where a special loan under that Act, whether raised before or after the passing of this Act, is secured by a special rate over a portion only of the district of the local authority, and in any year the proceeds of the special rate or any other moneys available in that behalf are insufficient to meet the interest or interest and sinking fund charges in respect of the loan, or any instalment in the case of a special loan repayable by instalments, the

Payment out of local authority's general account of interest and sinking fund charges, &c., in certain cases where special rate made over portion of district only is insufficient.

See 1924, 288
 See 10.
 Inscribed: 1930
 W. J. E. 22

local authority shall meet, and at all times heretofore shall be deemed to have had authority to meet, the deficiency out of its general account, or, in the case of a County Council, out of its general account or the separate riding account of any riding within which the special rating area is situated.

44. (1) In any case where a local authority has been duly authorized to raise a loan (including a further loan authorized by section nineteen of the Local Bodies' Loans Act, 1926, or the corresponding provisions of any other Act) and prior to raising such loan has applied any other moneys (including moneys lawfully borrowed by way of overdraft) for any purpose for which such loan is to be raised, the application of such other moneys shall not affect its power to raise such loan, and the proceeds thereof may, to any necessary extent, be used in repayment, or otherwise in reimbursement to the local authority, of the other moneys applied as aforesaid :

Saving authority to raise loans where general funds temporarily applied for purposes of such loans.

Provided that such power of repayment or reimbursement shall not, at any time after the expiration of two years from the date of the application of such other moneys as aforesaid, be exercised without the prior consent of the Local Government Loans Board.

(2) The provisions of the last preceding subsection shall apply with respect to any application of other moneys as aforesaid made before the passing of this Act, save that in cases where the consent of the Local Government Loans Board was required under subsection two of section thirty-two of the Finance Act, 1932-33 (No. 2), in respect of repayments under section sixteen of the Finance Act, 1927, no repayment or reimbursement as aforesaid heretofore made shall be deemed to have been lawfully made for the purposes of this section unless such consent was duly obtained.

(3) For the purposes of this section "local authority" means any local authority or public body that for the time being is a local authority within the meaning of the Local Government Loans Board Act, 1926, whether by virtue of section two of that Act or of any Order in Council thereunder, or by virtue of the provisions of any other Act.

(4) This section is in substitution for section sixteen of the Finance Act, 1927, and section thirty-two of the

Repeals.

Finance Act, 1932-33 (No. 2), and those sections are hereby accordingly repealed.

Local authorities may instead of raising loans advance moneys out of general account for works benefiting defined portions only of their districts.

45. (1) Where any capital works undertaken by a local authority are for the benefit of a defined part of the district (whether such part is a legal subdivision or not) the local authority may, in lieu of raising moneys by special loan for the purpose of meeting the expenses incurred in executing such works, advance moneys out of its general fund for such purpose.

(2) Where a local authority advances moneys under this section the cost of the works defrayed out of such moneys shall be debited to a separate account kept for that purpose in its books, and the amount of the cost so debited shall be deemed to represent moneys advanced out of the general fund of the local authority for the particular benefit of the ratepayers in such defined part of its district.

(3) The provisions of the Local Government Loans Board Act, 1926, and of sections three, nine, ten, eleven, twelve, thirteen, fourteen, sixteen, seventeen, and eighteen of the Local Bodies' Loans Act, 1926, shall apply to all advances made pursuant to this section as if such advances were loans within the meaning of that Act.

(4) The moneys so advanced, together with interest (if any) calculated on the amount of the debit balance in the separate account at the end of each year, may be recouped by instalments extending over a period of years, and for the purpose of making such recoupment the local authority may, by resolution, make and levy an annually recurring special works rate on all rateable property within such defined part of its district, and shall credit the proceeds of such rate to the said separate account until the debit balance thereof is extinguished :

Provided that a local authority may at any time transfer any amount from its general account, or in the case of a county from the general account or the riding account of the riding in which such defined part of the district is situated, to the said separate account for the purpose of extinguishing in whole or in part the debit balance of that separate account.

(5) The local authority may from time to time amend the special works rate by increasing or diminishing it if necessary so that the annual produce thereof shall suffice to provide for payment of interest (if any) and

recoupment of the advance within the period fixed by the Local Government Loans Board.

(6) Nothing in this section shall be deemed to authorize any local authority to borrow moneys in anticipation of its revenue, or to owe money so borrowed otherwise than in accordance with the ordinary limits of such local authority to borrow or to owe such moneys.

(7) Where there is any surplus of any special works rates remaining after the said liability to the general fund has been extinguished, such surplus may be expended for such other purposes or works within the said defined part of the district as are determined by the local authority in that behalf.

(8) For the purpose of this section "local authority" means a Borough Council, County Council, Road Board, Town Board, Drainage Board, Water-supply Board, River Board, and Electric-power Board, and "general fund" means the district fund of a Borough Council, the county fund of a County Council, the power fund of an Electric-power Board, and the similar general fund of the other local authorities herein mentioned.

46. Section thirty-three of the Finance Act, 1928, is hereby amended by adding the following as subclause (2) thereof:—

Section 33 of
Finance Act,
1928, amended.

"(2) Any moneys duly borrowed by way of such excess overdraft for the purpose of meeting interest charges as aforesaid may, subject to such terms, conditions, and stipulations as are imposed by the authorizing Order in Council, be repaid out of moneys standing to the credit of the sinking fund of the loan or portion of a loan in respect of which such interest is payable, and the Sinking Fund Commissioners shall on demand by the Board make such payments out of the sinking fund as may be required to make such repayment."

47. (1) Every Drainage Board shall cause all watercourses or drains from time to time vested in it or under its management to be constructed and kept so as not to be a nuisance or injurious to health, and to be properly cleared and cleansed and maintained in proper order:

Watercourses
and drains not
to be allowed
by Drainage
Boards to
become a
nuisance.

Provided that nothing in this subsection shall prohibit the Board from exercising the powers conferred on it by section sixty-two of the Land Drainage Act, 1908, as amended by section seven of the Land Drainage Amendment Act, 1913.

(2) Where, in the case of any drain actually constructed by it, the Board fails to comply with the requirements of the last preceding subsection, it shall be liable to the owners or occupiers of any land for damage done thereto in consequence of or through the disrepair of such drain.

Repeal.

(3) This section is in substitution for section twenty-five of the Land Drainage Act, 1908, and that section is hereby accordingly repealed.

Empowering
County Councils
to purchase and
dispose of
sodium chlorate
for eradication
of noxious
weeds.

48. (1) Every County Council is hereby authorized to purchase sodium chlorate in bulk at the best price obtainable, and may sell the same, or distribute it free, in such quantities and on such terms as the Council thinks fit, for the eradication of noxious weeds in the county.

(2) For the purpose of purchasing sodium chlorate as aforesaid the Council is hereby authorized to raise a special loan as for a public work without taking the steps prescribed by sections nine to thirteen of the Local Bodies' Loans Act, 1926.

(3) All moneys received by the Council from the sale of sodium chlorate purchased out of the proceeds of any special loan as aforesaid may from time to time be applied in further purchases of sodium chlorate for the purposes of this section, but otherwise shall be applied in or towards repayment of such loan.

(4) All payments heretofore made by any County Council in the purchase of sodium chlorate for the purpose aforesaid are hereby validated and declared to have been lawfully made, and the Council may and shall be deemed at all times heretofore to have had power to sell or distribute the same as aforesaid.

PART V.

MISCELLANEOUS.

49. The Public Trustee as administrator of the estate of James Thomson, late of Waihi, Engine-driver, who died intestate on the tenth day of September, nineteen hundred and twenty-nine, is hereby authorized and directed to distribute the residue of the estate, after payment of all debts and death duties, as to one-third thereof to Catherine Thomson, and as to two-thirds thereof

Authorizing
Public Trustee
to distribute
estate of James
Thomson,
deceased.

equally between James Silaci Thomson, of Waihi, Electrician, Alexander Thomson, of Ellerslie, Engineer, Archibald Thomson, of Dunedin, Electrician, and Roy Maxwell Thomson, of Waihi, Iron-turner.

50. (1) Notwithstanding anything to the contrary in section one hundred and nineteen of the Bankruptcy Act, 1908, whenever the cash balance standing to the credit of an Official Assignee at the bank is in excess of the amount which in the opinion of the Official Assignee is required for the time being to answer demands in respect of bankrupt estates, the Official Assignee shall notify such excess to the Treasury, and shall pay over the amount of the same or such part thereof as the Treasury may require to the Public Account for credit of a Deposit Account, and the Treasury may invest any such amount in any securities in which the balances of the Public Account may for the time being be invested.

Investment of cash balances of Official Assignees' bank accounts.

(2) Whenever any part of the money so invested is in the opinion of the Official Assignee required to meet any demands in respect of bankrupt estates, the Official Assignee shall notify to the Treasury the amount so required, and the Treasury shall, without further appropriation than this section, repay out of the Public Account to the credit of the Official Assignee such amount as may be required, and for that purpose may direct the sale of such part of the said securities as may be necessary.

(3) The dividends in respect of all investments under this section shall be paid to such account as the Treasury may direct, and regard shall be had to the amount thus derived in fixing the fees payable in respect of bankruptcy proceedings.

51. Subsection one of section thirty-eight of the National Expenditure Adjustment Act, 1932, is hereby amended by adding to paragraph (b) thereof the words "or section seventy-eight or section one hundred and fifteen of the Native Purposes Act, 1931".

Section 38 of National Expenditure Adjustment Act, 1932, amended.

52. (1) No building society, whether permanent or terminating, the rules of which provide for shareholders receiving appropriations by ballot, shall hereafter be registered unless there is produced to the revising barrister a certificate from an actuary, approved for the purpose by the Minister of Finance, certifying that every member of the society, if his share or shares are properly paid up in accordance with the rules, has a reasonable prospect

Restriction on registration of building societies.

of receiving appropriations within not more than thirty years from the date of his admission to membership.

(2) The Minister of Finance may call upon any society already registered, whose rules provide for shareholders receiving appropriations by ballot, to furnish to him a like certificate to that prescribed by the last preceding subsection. If the society fails to furnish such certificate within one month of demand the Minister shall call upon the society so to amend its rules within three months as to enable such certificate to be given, and failing compliance with such demand the society shall forthwith be terminated or dissolved in the manner provided by its rules.

53. (1) This section shall be read together with and deemed part of the Insurance Companies' Deposits Act, 1921-22 (hereinafter in this section referred to as the principal Act).

(2) For the purposes of this section the term "company" means a company as defined by the principal Act, and also includes every agent of a British underwriter or of British underwriters and every person who in New Zealand acts as an underwriter. In this subsection the terms "agent" and "underwriter" have the meanings respectively assigned thereto by section two of the Insurance Companies' Deposits Amendment Act, 1927.

(3) No company as hereinbefore defined which is not at the passing of this Act undertaking insurance business in terms of the Motor-vehicles Insurance (Third-party Risks) Act, 1928, shall hereafter commence to carry on such business until it deposits with the Public Trustee in money the sum of ten thousand pounds. Such deposit shall be in addition to any other deposits which such company may be required to deposit or keep deposited in terms of the principal Act.

(4) The Public Trustee shall as to every deposit made by a company under this section hold the same as security to meet the liabilities of such company under the Motor-vehicles Insurance (Third-party Risks) Act, 1928.

(5) Save as herein otherwise provided, the provisions of the principal Act shall, with the necessary modifications, apply to deposits made under this section.

Certain
insurance
companies
undertaking
Motor-vehicles
Insurance
(Third-party
Risks) business
to make deposits
under Insurance
Companies'
Deposits Act,
1921-22.

(6) No notice under subsection one of section four of the Motor-vehicles Insurance (Third-party Risks) Act, 1928, shall be receivable from any company liable to make a deposit under this section unless such company has made such deposit.

54. (1) In respect of every appeal other than an appeal against dismissal made to the Government Railways Appeal Board, the Public Service Appeal Board, or the Post and Telegraph Appeal Board, there shall be payable by the appellant a fee of ten shillings and sixpence, and no such appeal shall be heard until such fee is paid.

(2) Such fee shall be refunded to the appellant if the appeal in respect of which the fee is paid is allowed, and in any other case may be refunded in whole or in part if the Appeal Board so recommends.

55. For the purposes of the Public Service Act, 1912, any person employed in the Samoan Public Service or in the Cook Islands Public Service shall be eligible for appointment or transfer to any position in the New Zealand Public Service in all respects as if he were an officer employed in the New Zealand Public Service, but unless he is already in the New Zealand Public Service no such person shall have any right of appeal against any determination of the Public Service Commissioner in relation to any appointment, promotion, or transfer in or to the New Zealand Public Service.

56. (1) In this section the term "insurance company" means a company within the meaning of the Accident Insurance Companies Act, 1908, and includes the State Fire Insurance General Manager, and also includes a British underwriter or foreign underwriter, and the agent of any such underwriter, as those terms are respectively defined in the Insurance Companies' Deposits Amendment Act, 1927. For the purposes of this section personal injuries from accidents due to fire resulting directly or indirectly from earthquake shall be deemed to be personal injuries from accidents due to earthquake.

(2) Notwithstanding anything to the contrary in the Workers' Compensation Act, 1922 (hereinafter referred to as the said Act), or in any contract of insurance indemnifying an employer for his liability to pay compensation under that Act to any workers or to the representatives or dependants of any workers. the

Fee payable in respect of appeals to Government Service Appeal Boards.

Persons employed in Samoan and Cook Islands Public Services to be eligible for appointment or transfer to New Zealand Public Service.

Limitation of the liability of insured employers and of insurance companies to pay compensation for injuries to workers due to earthquake.

following provisions of this section shall apply in cases where compensation is payable under that Act by any indemnified employer or employers for personal injury to any worker or workers arising out of and in the course of his or their employment, if such injury has been caused after the passing of this Act by accident due directly or indirectly to earthquake.

(3) The maximum liability of all insurance companies, as hereinbefore defined, under any contract or contracts of insurance as aforesaid, shall not exceed fifty thousand pounds in respect of personal injuries to workers resulting from a single earthquake, or resulting from any of a series of earthquakes occurring within any period of seven full days.

(4) In any case where the total liability of all insurance companies as aforesaid, under their contracts of insurance, would, apart from this section, exceed fifty thousand pounds, the aggregate liability of the several companies as fixed by this section shall be apportioned among them by the Governor-General in Council in proportion, as nearly as may be, to the premium incomes of the several companies received by them during the year ending on the last preceding thirty-first day of December in respect of their employers' liability insurance business:

Provided that if any such company was not carrying on such business in the preceding year its proportion of the aggregate liability shall be determined by the Governor-General in Council in such manner as he thinks proper.

(5) Where the aggregate liability of insurance companies as fixed by this section is less than the total liability insured against by the employers, the workers or other persons entitled to claim compensation from such employers under the said Act in respect of accidents due to the earthquake or series of earthquakes, as hereinbefore mentioned, shall be entitled to receive from the insurance companies an amount of compensation, bearing the same proportion to the full amount of compensation, as the sum of fifty thousand pounds bears to the aggregate amount of all valid claims made in respect of compensation for accidents due to such earthquake or series of earthquakes.

(6) Where an employer has been indemnified by an insurance company in respect of his liability to pay compensation to any worker or workers employed by him in respect of accidents arising in the course of their employment, his liability to pay such compensation in respect of any accident to which this section applies shall be satisfied on payment by the insurance company of a proportionate part of such compensation in accordance with the foregoing provisions of this section.

(7) The Governor-General may by Order in Council make regulations for the purpose of distributing among claimants the amounts of compensation to which they are entitled in accordance with this section and otherwise for the purpose of giving effect to this section.

57. (1) For the purposes of this section the term "fire-insurance policy" includes every policy of insurance against loss by or incidental to fire, whether any such policy includes other risks or not, except a policy of marine insurance that covers loss by fire.

Conditions of fire-insurance policies to be subject to approval by Governor-General in Council.

(2) This section applies only to such class or classes of fire-insurance policies as may from time to time be defined in that behalf by the Governor-General in Council.

(3) Every policy of fire insurance, of a class to which this section applies, that is issued on or after a date to be fixed in that behalf by the Governor-General by Order in Council gazetted, shall contain only such provisions as may be approved by the Governor-General in Council.

(4) If any person, firm, or company issues any policy of fire insurance of a class to which this section applies that does not conform to any requirements of the Governor-General in Council in respect of policies of that class, every such person, firm, or company, and his or its attorney, general agent, or agent shall be severally liable to a fine of one hundred pounds in respect of every policy so issued.

58. (1) Any order made by the Court of Arbitration, whether before or after the passing of this Act, pursuant to subsection five of section seven of the Industrial Conciliation and Arbitration Amendment Act, 1932, may, if such order has expired, be revived and continued in operation for not less than six months and not more than twelve months from the date of its expiry, or, if such order has not expired, may be

Orders made by Arbitration Court for fixing minimum rates of wages to women may be extended.

extended for not less than six months and not more than twelve months from the due date of its expiry.

(2) Any order made under this section may in like manner be from time to time revived and extended, or extended, as the case may require.

(3) No order shall be made by the Court under this section except upon the application of the Clerk of Awards, made at the request of an industrial union of workers or an industrial association representing the female workers affected by the original order. Such application may be made at any time not earlier than one month before the due date for the expiry of the order to which it relates or not later than three months after the date of its expiry, as the case may be.

59. The trustees of the New Plymouth Savings-bank may in the current financial year out of the profits of the bank for that year make a donation of one hundred pounds to the funds of the body in New Plymouth known as the Mayor's Relief Council.

60. The trustees of the Auckland Savings-bank are hereby authorized, and shall be deemed to have been authorized at all relevant times heretofore, to pay out of the profits of the bank to the Waitangi Renovation and Improvement Fund Account of the Waitangi National Trust Board a sum or sums not exceeding two hundred and fifty pounds.

61. Notwithstanding anything contained in the Savings-banks Act, 1908, the Auckland Savings-bank may, with the consent of the Minister of Finance, pay to the Waikato Land Settlement Society, Incorporated, out of the profits of the bank, a sum or sums not exceeding in all the sum of ten thousand pounds, to be applied by such society for the objects thereof as set out in its rules as at the date of incorporation, and any such sums heretofore so paid with such consent shall be deemed to have been lawfully so paid.

62. Where any savings-bank established under the Savings-banks Act, 1908, has since the first day of April, nineteen hundred and thirty-two, but prior to the passing of this Act, made any duly authorized donations out of the profits of such bank for the year ended the thirty-first day of March, nineteen hundred and thirty-two, or out of moneys specifically set aside for the purpose out of its profits for the year ended the thirty-first day of

Sec. 58 ² 1936
 28.6. Sec. 17 (2)

Authorizing
 payment by
 New Plymouth
 Savings-bank
 Trustees.

Authorizing
 Auckland
 Savings-bank to
 make a donation
 of £250 to
 Waitangi
 National Trust
 Board.

Authorizing
 Auckland
 Savings-bank to
 make a donation
 of £10,000 to the
 Waikato Land
 Settlement
 Society,
 Incorporated.

Certain donations
 by savings-banks
 to be allowed as
 expenses for
 income-tax
 purposes.

March, nineteen hundred and thirty-three, the amount of such donation shall be allowed as an expense in arriving at the assessable income of the bank for the year ended on such last-mentioned date.

63. (1) The expressions "capital value", "improvements", "unimproved value", and "value of improvements" as used in the Rating Act, 1925, shall have the meanings for the time being assigned to those expressions in the Valuation of Land Act, 1925.

Certain terms used in Rating Act to have the same meanings as in the Valuation of Land Act.

(2) Section two of the Rating Act, 1925, is hereby consequentially amended by repealing the definitions of the expressions "capital value", "improvements", "unimproved value", and "value of improvements".

Consequential repeals.

64. (1) Section eighteen of the Motor-vehicles Act, 1924, as amended by section eleven of the Motor-vehicles Amendment Act, 1927, is hereby further amended as follows:—

Section 18 of Motor-vehicles Act, 1924, amended.

(a) By omitting from subsection one the words "only for the purposes of sale or for the purposes of his business as a manufacturer of or dealer in motor-vehicles", and substituting the words "for the purposes of sale or for the purposes of his business as a manufacturer of or dealer in motor-vehicles, whether or not it may at any time be used for any other purpose".

(b) By repealing paragraph (a) of subsection three thereof.

Repeal.

(2) Section eleven of the Motor-vehicles Amendment Act, 1927, is hereby amended by repealing paragraphs (a) and (c) thereof.

65. The Schedule to the Commercial Trusts Act, 1910, is hereby amended by omitting therefrom the words "Tobacco (including cigars and cigarettes)".

Commercial Trusts Act, 1910, not to apply to tobacco.