

Reprint
as at 1 July 2013

Statutes Amendment Act 1938

Public Act 1938 No 20
Date of assent 16 September 1938

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Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

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An Act to amend certain Acts of the General Assembly of New Zealand.

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

- 1 Short Title** 5
This Act may be cited as the Statutes Amendment Act 1938.

Auckland University College

- 2 Chairman of Professorial Board when no Principal in office**
[Repealed]

This section was repealed, as from 1 January 1955, by section 39(1) Auckland University College Act 1954.

Sections 6 and 7 were repealed, as from 1 April 1957, by section 453(1) Counties Act 1956.

7 County Councils may make by-laws relating to construction of dams

[Repealed]

Sections 6 and 7 were repealed, as from 1 April 1957, by section 453(1) Counties Act 1956.

Destitute persons

8 Guardianship order under Destitute Persons Act 1910, may be revoked or varied

Any District Court Judge may at any time, on the application of any person, made *ex parte* or otherwise, revoke or vary any order of guardianship made under section eighteen of the Destitute Persons Act 1910.

The words “District Court Judge” were substituted for the word “Magistrate”, as from 1 April 1980, pursuant to section 18(1) District Courts Amendment Act 1979 (1979 No 125).

Electoral

9 Seamen not debarred from voting under general provisions of Electoral Act 1927

[Repealed]

Sections 9 and 10 were repealed, as from 1 January 1957, by section 190(1) Electoral Act 1956.

10 Chief Electoral Officer to make arrangements for taking votes of electors on ships about to leave New Zealand after nomination of candidates for general election

[Repealed]

Sections 9 and 10 were repealed, as from 1 January 1957, by section 190(1) Electoral Act 1956.

Electric-power boards

11 This section and next four sections to form part of Electric-power Boards Act 1925

This section and the next four succeeding sections shall be read together with and deemed part of the Electric-power Boards Act 1925 (hereinafter in those sections referred to as the principal Act).

12 Establishment of polling-places outside electric-power districts

Section fifty-one of the principal Act is hereby amended by omitting from subsection three the words “within the electric-power district”, and substituting the words “within or beyond the electric-power district”.

13 Section 76 of principal Act (as to purchase of electric works) amended

Section seventy-six of the principal Act is hereby amended by omitting from subsection two the words “of the local authority of any constituent district”, and substituting the words “of any local authority”.

14 Purchase of depreciation-fund investments with electric works

- (1) Any authority given to a Board under section seventy-six of the principal Act to purchase any electric works the property of a local authority may include authority to purchase any securities belonging to the Depreciation Fund established by the local authority in relation to those electric works, and upon such authority being given the local authority, notwithstanding anything to the contrary in any Act, shall have power to

sell any such securities to the Board and to receive the purchase price therefor, subject to such conditions (if any) as may be imposed by the Governor-General in Council.

- (2) All securities purchased by any Board under this section shall be transferred by the Depreciation Fund Commissioners of the local authority to the Depreciation Fund Commissioners appointed by the Board under section twenty-one of the Electric-power Boards Amendment Act 1927, and shall thereafter form part of the Depreciation Fund administered by them.
- (3) Any sale and purchase of securities made before the passing of this Act that by virtue of this section would have been valid and lawful if the purchase had been made after the passing of this Act and had been authorized by the Governor-General in Council shall be deemed to have been validly made, and any securities so purchased shall be deemed to have been purchased under this section.
- (4) For the purposes of this section the term “securities” includes moneys and investments of money.

15 Authorizing Electric-power Boards to raise certain loans

Any Electric-power Board may from time to time borrow moneys by way of special loan under the Local Bodies’ Loans Act 1926, by special order, and without taking the steps prescribed by sections nine to thirteen of that Act, for all or any of the following purposes:—

- (a) Making advances to the owners of any premises for the purpose of enabling them to do all things necessary to connect their premises with the Board’s electric works, or for the purpose of assisting them to purchase motors, fittings, machinery, and other equipment for the use of electric energy in their premises:
- (b) Installing motors, electric wires, electric lamps, and other fittings and equipment in exercise of the powers conferred on the Board by section one hundred and eighteen of the principal Act:
- (c) Purchasing motors, fittings, machinery, and other equipment for sale or lease in exercise of the powers conferred on the Board by section one hundred and twenty of the principal Act:

- (d) Acquiring land and erecting dwellings in exercise of the powers conferred on the Board by paragraphs (a) and (b) of subsection one of section one hundred and twenty-two of the principal Act.

Electric-power boards and Supply Authorities Association

16 Remuneration of President of Electric-power Boards and Supply Authorities Association of New Zealand

- (1) This section shall be read together with and deemed part of the Electric-power Boards and Supply Authorities Association Act 1930 (hereinafter in this section referred to as the principal Act).
- (2) The President of the Electric-power Boards and Supply Authorities Association of New Zealand established under the principal Act (hereinafter in this section referred to as the Association) may be paid out of the funds of the Association such annual allowance, not exceeding four hundred dollars, as may from time to time be fixed by the Association, but no alteration in the amount of the allowance shall take effect during the term of office of any President. The receipt of an allowance under this section shall not constitute a disqualification from election or a cause of forfeiture of office as a member of any Board or Supply Authority.
- (3) For the purposes of this section a person re-elected as President shall be deemed to be a new President.
- (4) This section shall be deemed to have come into force on the first day of June, nineteen hundred and thirty-six.

The reference to “four hundred dollars” was substituted, as from 10 July 1967, for a reference to “two hundred pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

Factories

17 Persons in factories entitled to payment of wages for holidays

[Repealed]

Section 17 was repealed, as from 1 April 1947, by section 102(1) Factories Act 1946.

Fair rents

**18 Duration of Fair Rents Act, 1936, extended.
Consequential repeal.**

[Repealed]

Section 18 was repealed, as from 7 October 1939, by section 2(2) Fair Rents Amendment Act 1939.

19 Landlord entitled to access to execute repairs

[Repealed]

Section 19 was repealed, as from 3 December 1948, by section 54(1) Tenancy Act 1948.

Government railways

20 Extending provisions as to superannuation rights and rights of reappointment of certain persons associated with Railway Service

[Repealed]

Section 20 was repealed, as from 1 April 1948, by section 91(1) Superannuation Act 1947.

21 Section 14 of Government Railways Amendment Act, 1936, amended

[Repealed]

Section 21 was repealed, as from 4 April 1944, by section 24(1)(c) Government Railways Amendment Act 1944.

Hospitals and charitable institutions

22 Travelling-allowances to members of committees of management

[Repealed]

Section 22 was repealed, as from 1 April 1958, by section 158(1) Hospitals Act 1957.

23 Hospital Boards authorized to make payments to servants undergoing special training

[Repealed]

Section 23 was repealed, as from 26 November 1948, by section 9(2) Hospitals Amendment Act 1948.

Justices of the Peace

24 Stay of proceedings in respect of indictable offences

[Repealed]

Section 24 was repealed, as from 1 April 1958, by section 214(1) Summary Proceedings Act 1957.

Land

25 Forms of deferred payment licenses need not be prescribed by regulations

[Repealed]

Sections 25 and 26 were repealed, as from 1 April 1949, by section 185(1) Land Act 1948.

- 26 Application of section 216 of Land Act 1924 extended**
[Repealed]
Sections 25 and 26 were repealed, as from 1 April 1949, by section 185(1) Land Act 1948.

Law practitioners

- 27 This section and next five sections to form part of Law Practitioners Act 1931**
[Repealed]
Sections 27 to 32 were repealed, as from 1 January 1956, by section 124(1) Law Practitioners Act 1955.
- 28 Maximum number of members of Disciplinary Committee increased**
[Repealed]
Sections 27 to 32 were repealed, as from 1 January 1956, by section 124(1) Law Practitioners Act 1955.
- 29 Disciplinary Committee may sanction employment by solicitor of person struck off roll or suspended from practice**
[Repealed]
Sections 27 to 32 were repealed, as from 1 January 1956, by section 124(1) Law Practitioners Act 1955.
- 30 Right to appeal against taxation of costs**
[Repealed]
Sections 27 to 32 were repealed, as from 1 January 1956, by section 124(1) Law Practitioners Act 1955.
- 31 Barrister or solicitor acting without certificate liable to a fine. Repeals**
[Repealed]
Sections 27 to 32 were repealed, as from 1 January 1956, by section 124(1) Law Practitioners Act 1955.

32 Sections 5 and 13 of principal Act amended

[Repealed]

Sections 27 to 32 were repealed, as from 1 January 1956, by section 124(1) Law Practitioners Act 1955.

Licensing

33 As to date of election of Licensing Committees. Repeals

- (1) Section forty-four of the Licensing Act 1908, is hereby amended by omitting from subsection one the words “on the second Tuesday in March, one thousand nine hundred and nine, and on the same day in every third year thereafter”, and substituting the words “on the second Tuesday in March next following every licensing poll”.
- (2) The Licensing Poll Postponement Act 1931, section fifty-one of the Finance Act 1931 (No 4), and subsection two of section two of the Electoral Amendment Act 1934, are hereby repealed.

Life insurance

34 Section 8 of Life Insurance Act 1908, amended. Repeal. Consequential amendments

- (1) Section eight of the Life Insurance Act 1908 (hereinafter in this section referred to as the principal Act), is hereby amended as follows:—
 - (a) By omitting from subsection one all the words after the words “by the company”, and substituting the words “and for the time being in force”:
 - (b) By repealing subsection two.
- (2) Section nine of the principal Act is hereby consequentially repealed.
- (3) Section eleven of the principal Act is hereby amended by omitting from paragraph (b) of subsection one the words “policies on the register”, and substituting the words “policies and other contracts issued, granted, or entered into in New Zealand by the company and still in force”.
- (4) Section twelve of the principal Act is hereby amended by omitting from paragraph (c) of subsection one the words “policies

on the register”, and substituting the words “policies and other contracts issued, granted, or entered into in New Zealand by the company and still in force”.

Magistrates’ Courts

35 This section and next three sections to form part of Magistrates’ Courts Act, 1928

[Repealed]

Sections 35 to 38 were repealed, as from 1 January 1949, by section 125(1) Magistrates Court Act 1947.

**36 Assignment of debt not to alter proper Court for lodging
plaint**

[Repealed]

Sections 35 to 38 were repealed, as from 1 January 1949, by section 125(1) Magistrates Court Act 1947.

**37 Sections 164 and 167 of principal Act (as to appeals)
amended**

[Repealed]

Sections 35 to 38 were repealed, as from 1 January 1949, by section 125(1) Magistrates Court Act 1947.

38 Stay of proceedings on appeal

[Repealed]

Sections 35 to 38 were repealed, as from 1 January 1949, by section 125(1) Magistrates Court Act 1947.

Mining

**39 Section 106 of Mining Act 1926 (as to mineral licenses),
extended and amended**

- (1) This section shall be read together with and deemed part of the Mining Act 1926 (hereinafter in this section referred to as the principal Act).
- (2) Notwithstanding anything to the contrary in section one hundred and six of the principal Act, the Warden may grant mineral licenses under that section in respect of any land outside

a mining district that is not private land or Maori land or land exempt from the provisions of the principal Act:

Provided that no mineral license shall be granted over any land that is not Crown land unless the consent in writing of the lessee and the occupier of the land has been obtained and is deposited with the Warden.

- (3) Section one hundred and six of the principal Act is hereby amended by repealing paragraph (f), and substituting the following paragraph:—

- “(f) The royalty shall be computed in such manner and paid at such times as are prescribed, and the royalty payable in respect of any period shall be reduced by the part of the annual rent paid under the license in respect of that period, and where the amount so paid exceeds the royalty, no royalty shall be payable for that period.”

The reference to “Maori” was substituted, as from 27 November 1947, for a reference to “Native” pursuant to section 2(2) Maori Purposes Act 1947 (1947 No 59).

Motor-vehicles insurance (third-party risks)

40 Insurance to include indemnity against claims for contribution

[Repealed]

Section 40 was repealed, as from 1 November 1949, by section 169(1) Transport Act 1949.

New Zealand Institute of Architects

41 Former members of Institute may be re-registered as members

- (1) This section shall be read together with and deemed part of the New Zealand Institute of Architects Act 1913 (hereinafter in this section referred to as the principal Act).
- (2) Any person who has, whether before or after the passing of this Act, ceased to be a member of the Institute may apply to be re-registered as a member of the Institute, and all the

provisions of the principal Act as to registration shall so far as they are applicable apply to re-registration under this section: Provided that any qualification which was a sufficient qualification for registration when the applicant was originally registered shall be a sufficient qualification for re-registration in accordance with this section.

- (3) Subject to the provisions of section eleven of the principal Act as to appeals, the Council may refuse any application for re-registration under this section or may grant it either unconditionally or upon or subject to such conditions as the Council thinks fit.

Opticians

42 Providing for additional member of Opticians Board

Section three of the Opticians Act 1928, is hereby amended by repealing paragraph (b) of subsection two, and substituting the following paragraph:—

- “(b) Three persons engaged in practice as opticians in New Zealand, to be appointed on the recommendation of the Minister of Health, of whom one shall be a person registered as an optician on the grounds mentioned in paragraph (b) or paragraph (c) of section six of this Act and practising as an employee of another registered optician; and.”

Pharmacy

43 Pharmaceutical chemists may serve apprenticeship in approved private hospitals

[Repealed]

Section 43 was repealed, as from 1 January 1940, by section 46(1) Pharmacy Act 1939.

Physical welfare and recreation

44 Increasing membership of National Council of Physical Welfare and Recreation

Section three of the Physical Welfare and Recreation Act 1937, is hereby amended, as from the passing of that Act, by omit-

ting from paragraph (f) of subsection two the word “ten”, and substituting the word “twelve”.

Police force

45 Appointment of women police

[Repealed]

Section 45 was repealed, as from 1 September 1947, by section 47(1) Police Force Act 1947.

Police offences

46 Imitation, etc, of bank-notes

- (1) This section shall be read together with and deemed part of the Police Offences Act 1927.
- (2) If any person makes, or causes to be made, or uses for any purpose whatsoever, or utters, any document purporting to be, or in any way resembling, or so nearly resembling as to be calculated to deceive, any bank-note, or any part thereof, he shall be guilty of an offence against this section and shall be liable on conviction to a fine not exceeding ten dollars, and it shall be lawful for the Court dealing with the case to order the document in respect of which the offence was committed, and any copies of that document, or any plates, blocks, dies, or other instruments used for, or capable of being used for, printing or reproducing any such document which are in the possession of the offender to be destroyed.
- (3) If any person whose name appears on any document the making of which is an offence under this section refuses, without lawful excuse, to disclose to a constable on being so required the name and address of the person by whom it was printed or otherwise made, he shall be liable on conviction to a fine not exceeding twenty dollars.
- (4) The fact that the name of any person appears on any document in respect of which any person is charged with an offence under subsection two of this section, or on any other document used or distributed in connection with that document, shall, in the absence of proof to the contrary, be sufficient evidence that the first-mentioned person caused the document to be made.

- (5) For the purposes of this section the term **bank-note** has the same meaning as in section two hundred and eighty-eight of the Crimes Act 1908.

Section 46(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 46(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

The references to “ten dollars”, and “twenty dollars” were substituted, as from 10 July 1967, for references to “five pounds”, and “ten pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

Post and telegraph

- 47 Section 5 of Post and Telegraph Amendment Act 1936, amended**

[Repealed]

Section 47 was repealed, as from 5 December 1944, by section 12(1) Post and Telegraph Amendment Act 1944.

Public reserves, domains, and national parks

- 48 This section and next four sections to form part of Public Reserves, Domains, and National Parks Act 1928**

[Repealed]

Sections 48 to 52 were repealed, as from 1 April 1954, by section 107(1) Reserves and Domains Act 1953.

- 49 Section 21 of principal Act amended**

[Repealed]

Sections 48 to 52 were repealed, as from 1 April 1954, by section 107(1) Reserves and Domains Act 1953.

- 50 Extending power to lease recreation reserves**

[Repealed]

Sections 48 to 52 were repealed, as from 1 April 1954, by section 107(1) Reserves and Domains Act 1953.

51 As to publication of by-laws made by Domain Boards

[Repealed]

Sections 48 to 52 were repealed, as from 1 April 1954, by section 107(1) Reserves and Domains Act 1953.

52 Trustees of public reserves and members of Boards may enter into contracts of service with trustees or Boards

[Repealed]

Sections 48 to 52 were repealed, as from 1 April 1954, by section 107(1) Reserves and Domains Act 1953.

Rabbit nuisance

53 Rabbit Board in receipt of subsidy may expend moneys in destruction of rabbits on private land

[Repealed]

Section 53 was repealed, as from 25 November 1947, by section 25(b) Rabbit Nuisance Amendment Act 1947.

Rating

54 Authorizing remission of additional charge of 10 per cent on unpaid rates

- (1) Any local authority which has (whether before or after the passing of this Act) added to unpaid rates the additional charge of ten per centum referred to in section seventy-six of the Rating Act 1925, may, with respect to any particular ratepayers or ratepayers, other remit the charge, or any part thereof, or postpone the time for payment of the charge, or any part thereof, for such period as it thinks fit.
- (2) The powers conferred by this section may be exercised in respect of all rates or any particular rate or rates.
- (3) The local authority shall not exercise any power conferred by this section unless it is satisfied that undue hardship would otherwise be caused to the ratepayer.
- (4) The powers conferred by this section may be exercised by the Minister of Lands in respect of rates made and levied by him under the authority of any of the following enactments—namely, the Rangitaiki Land Drainage Act 1910, the

Hauraki Plains Act 1926, and the Swamp Drainage Amendment Act 1928.

Scenery preservation

55 Lands in State forests may be set aside as scenic reserves

[Repealed]

Section 55 was repealed, as from 1 April 1954, by section 107(1) Reserves and Domains Act 1953.

Trustee

56 This section and next two sections to form part of Trustee Act 1908

[Repealed]

Sections 56 and 57 were repealed, as from 1 January 1957, by section 89(1) Trustee Act 1956.

57 Accrued interest on debentures or stock sold or purchased

[Repealed]

Sections 56 and 57 were repealed, as from 1 January 1957, by section 89(1) Trustee Act 1956.

58 Section 113 of principal Act applied to trusts created before 2nd November, 1901

[Repealed]

Section 58 was repealed, as from 26 September 1946, by section 6 Trustee Amendment Act 1946.

Victoria University College

59 This section and next two sections to form part of Victoria University College Act 1933

This section and the next two succeeding sections shall be read together with and deemed part of the Victoria University College Act 1933 (hereinafter in those sections referred to as the principal Act).

60 Appointment of additional member of Council to represent students

- (1) Section five of the principal Act is hereby amended by adding to subsection two the following paragraph:—
- “(j) One member, being a person who has attended lectures at the College within the period of two years immediately preceding his appointment, to be appointed by the Executive of the Victoria University College Students’ Association (Incorporated).”
- (2) Section six of the principal Act is hereby amended by omitting from subsection two the expression “and (h)”, and substituting the expression “(h), and (j)”.
- (3) The first member of the Council to be appointed by the Executive of the Victoria University College Students’ Association (Incorporated) shall be appointed not later than the third Monday in June, nineteen hundred and thirty-nine, and shall retire from office in the year nineteen hundred and forty-one.

61 By-laws of Council need not be approved by Governor-General

Section twenty of the principal Act is hereby amended by repealing the proviso thereto.

Workers’ compensation

62 Weekly payments of compensation under the Workers’ Compensation Act 1922, not to be discontinued except in accordance with this section

[Repealed]

Section 62 was repealed, as from 1 January 1946, by section 6(6) Workers’ Compensation Amendment Act 1945.

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Notes**1 General**

This is an eprint of the Statutes Amendment Act 1938. The eprint incorporates all the amendments to the Act as at 1 July 2013. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the eprint are also included, after the principal enactment, in chronological order.

2 About this eprint

This eprint has not been officialised. For more information about eprints and officialisation, please *see* <http://www.pco.parliament.govt.nz/eprints/>.

3 List of amendments incorporated in this eprint (most recent first)

Criminal Procedure Act 2011 (2011 No 81): section 413
