

**Reprint
as at 5 December 2013**

Statutes Amendment Act 1939

Public Act 1939 No 39
Date of assent 7 October 1939

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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

This Act may be cited as the Statutes Amendment Act 1939.

Administration

2 Executors' commission may be apportioned

[Repealed]

Section 2 was repealed, as from 1 January 1953, by section 79(1) Administration Act 1952 (1952 No 56).

Air Force.

3 Offences in relation to uniforms and badges

[Repealed]

Subsections (1) and (2) were repealed, as from 1 November 1950, by section 160(1) Royal New Zealand Air Force Act 1950 (1950 No 40).

Subsection (3) was impliedly repealed, as from 1 February 1982, by section 51(2) Summary Offences Act 1981 (1981 No 113).

Subsection (4) was impliedly repealed, as from 8 November 1974, by section 2(1) Military Decorations and Distinctive Badges Amendment Act 1974 (1974 No 105).

Air navigation.

4 Extending power to make regulations under the Air Navigation Act 1931

[Repealed]

Section 4 was repealed, as from 26 August 1948, by section 13(1) Civil Aviation Act 1948 (1948 No 12).

Births and deaths registration.

5 Repealing provisions as to registration of fathers of illegitimate children

[Repealed]

Section 5 was repealed, as from 1 April 1952, by section 53(1) Births Deaths and Registration Act 1951 (1951 No 22).

Chattels transfer.

6 Application of Chattels Transfer Act to book debts

[Repealed]

Section 6 was repealed, as from 1 May 2002, by section 192(1) Personal Property Securities Act 1999 (1999 No 126). *See* clause 2 Personal Property Securities Act Commencement Order 2002 (SR 2002/60).

Cinematograph films.

7 Extending quota provisions

[Repealed]

Section 7 was repealed, as from 26 November 1953, by section 11(6)(b) Cinematograph Films Amendment Act 1953 (1953 No 71).

Coal-mines

8 Application of moneys appropriated to assist the coal-mining industry

[Repealed]

Section 8 was impliedly repealed, as from 1 April 1980, by section 268(2) Coal Mines Act 1979 (1979 No 21).

Companies

9 This section and next three sections to form part of Companies Act 1933

[Repealed]

Sections 9 - 12 were repealed, as from 1 January 1957, by section 474(1) Companies Act 1955 (1955 No 63).

10 Application for membership of a company not to be contained in a proposal for insurance

[Repealed]

Sections 9 - 12 were repealed, as from 1 January 1957, by section 474(1) Companies Act 1955 (1955 No 63).

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

11 Date for making declaration of solvency where private company passes winding-up resolution by entry in minute-book

[Repealed]

Sections 9 - 12 were repealed, as from 1 January 1957, by section 474(1) Companies Act 1955 (1955 No 63).

12 Provisional liquidator may be appointed by private company where resolution for a creditors’ voluntary winding-up is passed by entry in minute-book

[Repealed]

Sections 9 - 12 were repealed, as from 1 January 1957, by section 474(1) Companies Act 1955 (1955 No 63).

Co-operative companies.

13 Surrenders of shares by co-operative fish-marketing companies

[Repealed]

Section 13 was repealed, as from 1 January 1957, by section 12(1) Co-operative Companies Act 1956 (1956 No 18).

Deaths by accidents compensation.

14 Damages may be placed in trust when apportioned

[Repealed]

Section 14 was repealed, as from 1 January 1953, by section 23(1) Deaths by Accidents Compensation Act 1952 (1952 No 35)

Deeds registration.

15 Transfer of deeds to custody of libraries and museums

[Repealed]

Section 15 was repealed, as from 4 October 1957, by section 26(1)(a) Archives Act 1957 (1957 No 13).

Dogs registration.

16 Sections 25 and 26 of Dogs Registration Act 1908, amended

[Repealed]

Section 16 was repealed, as from 20 October 1955, by section 38(1) Dogs Registration Act 1955 (1955 No 42).

Education

17 Officers of Public Service engaged as teachers may be placed under control of Minister of Education

[Repealed]

Section 17 was repealed, as from 15 October 1965, by section 204(1) Education Act 1964 (1964 No 135).

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).

Evidence

18 This section and next three sections to form part of Evidence Act 1908

[Repealed]

Sections 18 to 20 were repealed, as from 1 January 1981, by section 28 Evidence Amendment Act (No 2) 1980.

19 Proof of convictions

[Repealed]

Sections 18 to 20 were repealed, as from 1 January 1981, by section 28 Evidence Amendment Act (No 2) 1980.

The reference to “fifty cents” was substituted, as from 10 July 1967, for a reference to “five shillings” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

20 Repeal

[Repealed]

Sections 18 to 20 were repealed, as from 1 January 1981, by section 28 Evidence Amendment Act (No 2) 1980.

21 Powers as to oaths and notarial acts outside New Zealand

[Repealed]

Section 21 was repealed, as from 1 April 1958, by section 32(1) Oaths and Declarations Act 1957.

Family protection.

22 Part 2 of Family Protection Act applied to intestate estates

[Repealed]

Sections 22 and 23 were repealed, as from 26 October 1955, by section 16(1) Family Protection Act 1955 (1955 No 88).

23 Orders may be made affecting parts of estate held by trustees

[Repealed]

Sections 22 and 23 were repealed, as from 26 October 1955, by section 16(1) Family Protection Act 1955 (1955 No 88).

Forests

24 This section and next five sections to form part of Forests Act 1921-22

[Repealed]

Sections 24 to 29 were repealed, as from 1 January 1950, by section 73(1) Forests Act 1949 (1949 No 19).

25 Definition of forest produce extended

[Repealed]

Sections 24 to 29 were repealed, as from 1 January 1950, by section 73(1) Forests Act 1949 (1949 No 19).

26 Section 6 of principal Act amended

[Repealed]

Sections 24 to 29 were repealed, as from 1 January 1950, by section 73(1) Forests Act 1949 (1949 No 19).

27 Limitation of power to license the taking of forest produce

[Repealed]

Sections 24 to 29 were repealed, as from 1 January 1950, by section 73(1) Forests Act 1949 (1949 No 19).

28 Section 38 of principal Act amended

[Repealed]

Sections 24 to 29 were repealed, as from 1 January 1950, by section 73(1) Forests Act 1949 (1949 No 19).

29 Validation of prior acts

[Repealed]

Sections 24 to 29 were repealed, as from 1 January 1950, by section 73(1) Forests Act 1949 (1949 No 19).

High Commissioner.**30 Authorizing High Commissioner to appoint temporary officers**

[Repealed]

Section 30 was repealed, as from 11 June 1943, by section 12(1) External Affairs Act 1943 (1943 No 5).

Hospitals and charitable institutions.**31 Repeal**

[Repealed]

Section 31 was repealed, as from 14 August 1947, by section 5(2)(c) Hospitals and Charitable Institutions Amendment Act 1947 (1947 No 9).

Impounding**32 Remedies for trespass by cattle on unfenced land in certain cases**

[Repealed]

Section 32 was repealed, as from 1 January 1956, by section 68(1) Impounding Act 1955 (1955 No 108).

Industrial and provident societies.**33 Limitation on registration of societies**

- (1) This section shall be read together with and deemed part of the Industrial and Provident Societies Act 1908 (in this section referred to as the principal Act).

- (2) Notwithstanding anything to the contrary in section 4 of the principal Act, a society shall not be registered under the principal Act unless it is shown to the satisfaction of the Registrar—
- (a) That the society is a *bona fide* co-operative society; or
 - (b) That, in view of the fact that the business of the society is being, or is intended to be, conducted—
 - (i) Mainly for the purpose of improving the conditions of living, or otherwise promoting the social well-being, of members of the working classes; or
 - (ii) Otherwise for the benefit of the community,—
there are special reasons why the society should be registered under the principal Act rather than as a company under the Companies Act 1993.
- (3) In this section the term **co-operative society** does not include a society which carries on, or intends to carry on, business with the object of making profits mainly for the payment of interest, dividends, or bonuses on money invested or deposited with, or lent to, the society or any other person.
- (4) Where it is shown to the satisfaction of the Registrar that a society is a *bona fide* co-operative society the name by which that society may be registered under the principal Act may include the word “co-operative”.
- (5) If a society so registered has its registration cancelled, or if the Registrar notifies any such society that, in his opinion, it has ceased to be a *bona fide* co-operative society, subsection (4) of this section shall cease to apply to it.

Subsection (2) was amended, as from 22 October 2003, by section 4(2) Industrial and Provident Societies Amendment Act 2003 (2003 No 78) by substituting the words “section 4 of the principal Act” for the words “section 2 of the Industrial and Provident Societies Amendment Act 1923”.

Section 33(2)(b): amended, on 5 December 2013, by section 14 of the Companies Amendment Act 2013 (2013 No 111).

Subsections (4) and (5) were inserted, as from 27 October 1965, by section 2 Industrial and Provident Societies Amendment Act 1965 (1965 No 89).

Infants

34 Amendment of definition of child in respect of adoption of children

[Repealed]

Section 34 was repealed, as from 27 October 1955, by section 30(1) Adoption Act 1955 (1955 No 93).

Juries

35 This section and next three sections to form part of Juries Act 1908

[Repealed]

Sections 35-38 were impliedly repealed, as from 1 May 1982, by section 37 Juries Act 1981 (1981 No 23).

36 Special jury-book

[Repealed]

Sections 35-38 were impliedly repealed, as from 1 May 1982, by section 37 Juries Act 1981 (1981 No 23).

37 Cases in which special jury may be ordered

[Repealed]

Sections 35-38 were impliedly repealed, as from 1 May 1982, by section 37 Juries Act 1981 (1981 No 23).

The reference to the “High Court” was substituted, as from 1 April 1980, for a reference to the “Supreme Court” pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

38 Repeals

[Repealed]

Sections 35-38 were impliedly repealed, as from 1 May 1982, by section 37 Juries Act 1981 (1981 No 23).

Labour Department.

39 Assistant Secretaries of Labour

[Repealed]

Section 39 was repealed, as from 1 November 1954, by section 17(1) Labour Department Act 1954 (1954 No 71).

Local elections and polls.

40 Power to postpone local elections

[Repealed]

Section 40 was repealed, as from 27 August 1953, by section 103(1) Local Elections and Polls Act 1953 (1953 No 16).

Marriage

41 As to marriage of persons under sixteen years of age

[Repealed]

Section 41 was repealed, as from 1 April 1956, by section 67(1) Marriage Act 1955 (1955 No 92).

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).

Married women’s property.

42 Repealing restrictions on married women entering into partnership

[Repealed]

Section 42 was repealed, as from 1 January 1953, by section 27(1) Married Women’s Property Act 1952 (1952 No 53).

Mental health.

43 Extension of protection afforded by section 6 of Mental Health Amendment Act 1935

[Repealed]

Section 43 was impliedly repealed, as from 1 April 1970, by section 129(1) Mental Health Act 1969 (1969 No 16).

Mining

44 This section and next four sections to form part of the Mining Act 1926

[Repealed]

Sections 44-48 were impliedly repealed, as from 1 January 1973, by section 247(1) Mining Act 1971 (1971 No 25).

45 Application of moneys appropriated to assist the mining industry

[Repealed]

Sections 44-48 were impliedly repealed, as from 1 January 1973, by section 247(1) Mining Act 1971 (1971 No 25).

46 Power to make and enforce agreements

[Repealed]

Sections 44-48 were impliedly repealed, as from 1 January 1973, by section 247(1) Mining Act 1971 (1971 No 25).

47 Certain mining privileges not to be forfeited without consent

[Repealed]

Sections 44-48 were impliedly repealed, as from 1 January 1973, by section 247(1) Mining Act 1971 (1971 No 25).

48 Repeals

[Repealed]

Sections 44-48 were impliedly repealed, as from 1 January 1973, by section 247(1) Mining Act 1971 (1971 No 25).

Mortgagors and lessees rehabilitation.**49 Power of High Court to interpret and amend orders**

- (1) This section shall be read together with and deemed part of the Mortgagors and Lessees Rehabilitation Act 1936 (in this section referred to as the principal Act).
- (2) Where it appears to the High Court that the meaning of any order made under the principal Act is not clear or that the intention of the Court or of an Adjustment Commission cannot be carried out because of any defect in or omission from the order, the Court may, on an application made not later than the 31st day of December 1950 by any person affected by the order, make an order interpreting or amending the prior order or supplementing it so that the defect or omission may be rectified and the intent and purpose of the order fulfilled.
- (3) Any order made under the last preceding subsection shall have effect according to its tenor.

The words "Supreme Court" were substituted, as from 1 December 1961, for the words "Court of Review" pursuant to section 2 Mortgagors and Lessees Rehabilitation Amendment Act 1961 (1961 No 91). These words were in turn substituted, as from 1 April 1980, by the words "High Court" pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

Subsection (2) was amended, as from 27 November 1947, by section 45 Statutes Amendment Act 1947 (1947 No 60) by substituting the words "on an application made not later than the 31st day of December 1949" for the words "on the application of".

Subsection (2) was further amended, as from 21 October 1949, by section 36(1) Statutes Amendment Act 1949 (1949 No 51) by substituting the words "on an application made not later than the 31st day of December 1950 by" for the words "on an application made not later than the 31st day of December 1949 by".

National expenditure adjustment.**50 Certain applications under National Expenditure Adjustment Act 1932, not to be referred to Adjustment Commissions**

Section forty of the National Expenditure Adjustment Act 1932, is hereby repealed.

New Zealand centennial.

51 Authorizing Borough Councils to make and levy separate rates for Centennial purposes

- (1) This section shall be read together with and deemed part of the New Zealand Centennial Act 1938.
- (2) With the prior consent of the Minister any Borough Council may in any year make and levy a separate rate, of such amount as the Minister approves, over all rateable property in the borough for the purpose of meeting any expenditure which that Council has incurred or may incur in connection with its participation in approved Centennial celebrations.
- (3) This section shall remain in force until the thirty-first day of March, nineteen hundred and forty-one, and shall then be deemed to be repealed.

52 Local authorities may expend moneys on maintenance of memorials

Section eighteen of the New Zealand Centennial Act 1938, is hereby amended by inserting in subsection one, after the word “establishment”, the words “or maintenance”.

New Zealand University.

53 Power for Senate to confer diplomas, etc, on students on war service notwithstanding that Acts or regulations have not been wholly complied with

[Repealed]

Section 53 was repealed, as from 26 August 1943, by section 23(4) Statutes Amendment Act 1943 (1943 No 20).

Offenders probation.

54 Conditions of release on probation

[Repealed]

Section 54 was repealed, as from 1 January 1955, by section 56(1) Criminal Justice Act 1954 (1954 No 50).

Petroleum

55 Authorizing mining operations on roads and streets with consent of appropriate Minister after consultation with local body

[Repealed]

Section 55 was impliedly repealed, as from 1 April 1993, by section 62(1) Health and Safety in Employment Act 1992 (1992 No 96).

Police offences.

56 This section and next three sections to form part of Police Offences Act 1927

[Repealed]

Sections 56-59 were impliedly repealed, as from 1 February 1982, by section 51(2) Summary Offences Act 1981 (1981 No 113).

57 Restriction on use of certain names

[Repealed]

Sections 56-59 were impliedly repealed, as from 1 February 1982, by section 51(2) Summary Offences Act 1981 (1981 No 113).

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

58 Section 41 of principal Act amended as to imprisonment in default of payment of fine

[Repealed]

Sections 56-59 were impliedly repealed, as from 1 February 1982, by section 51(2) Summary Offences Act 1981 (1981 No 113).

59 Offences in relation to intoxicating liquor at dances

[Repealed]

Sections 56-59 were impliedly repealed, as from 1 February 1982, by section 51(2) Summary Offences Act 1981 (1981 No 113).

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

Public works.

60 This section and next four sections to form part of Public Works Act 1928

[Repealed]

Sections 60-64 were impliedly repealed, as from 1 February 1982, by section 248(1) Public Works Act 1981 (1981 No 35).

61 Improvement of farm lands

[Repealed]

Sections 60-64 were impliedly repealed, as from 1 February 1982, by section 248(1) Public Works Act 1981 (1981 No 35).

62 Power to take particular estates or interests or land subject thereto

[Repealed]

Sections 60-64 were impliedly repealed, as from 1 February 1982, by section 248(1) Public Works Act 1981 (1981 No 35).

63 Time for claiming compensation for damage may be extended

[Repealed]

Sections 60-64 were impliedly repealed, as from 1 February 1982, by section 248(1) Public Works Act 1981 (1981 No 35).

The reference to the “High Court” was substituted, as from 1 April 1980, for a reference to the “Supreme Court” pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

64 Costs in claims for compensation

[Repealed]

Sections 60-64 were impliedly repealed, as from 1 February 1982, by section 248(1) Public Works Act 1981 (1981 No 35).

Rating

65 Section 27 of Rating Act 1925, amended

[Repealed]

Section 65 was impliedly repealed, as from 1 April 1968, by section 177(1) Rating Act 1967 (1967 No 123).

River boards.

66 River Boards may insure members against personal accident while engaged in duties

[Repealed]

This section was impliedly repealed, as from 13 January 1981, by section 3(1) River Boards Amendment Act 1981 (1981 No 140).

Shorthand reporters.

67 Official report to be in shorthand, and such parts as are directed to be transcribed. Repeal. Consequential amendment

[Repealed]

Section 67 was repealed, as from 23 November 1951, by section 7 Shorthand Reporter’s Amendment Act 1951 (1951 No 16).

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

War pensions and war veterans’ allowances.

68 Secretary for War Pensions. Consequential amendments

[Repealed]

Section 68 was repealed, as from 1 July 1943, by section 83(1) War Pensions Act 1943 (1943 No 22).

Wool industry promotion.

69 Changing name of New Zealand Wool Publicity Committee

[Repealed]

Section 69 was repealed, as from 11 January 1945, by section 24(1) Wool Industry Act 1944 (1944 No 27).

Workers' compensation.

70 Power to establish separate Court for workers' compensation cases

[Repealed]

Section 70 was repealed, as from 19 September 1952, by section 10 Worker's Compensation Amendment Act 1952 (1952 No 17).

Eprint notes

1 *General*

This is an eprint of the Statutes Amendment Act 1939 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *About this eprint*

This eprint is not an official version of the legislation under section 18 of the Legislation Act 2012.

3 *Amendments incorporated in this eprint*

Companies Amendment Act 2013 (2013 No 111): section 14