

AMENDED : See Act. 1921 No. 10, 13, 18, 25.

AMENDED : SEE ACT. 1923 NO. 21, 27

New Zealand. AMENDED : SEE ACT, 1924 NO. 7

AMENDED : See Act. 1925 No. 51

Amended by 1926 No. 14



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Title.

AN ACT to amend temporarily the Law relating to the Public Revenues, to fix the Rates of Land-tax and Income-tax for the Year commencing on the First Day of April, Nineteen hundred and twenty-one, and to make Provision with respect to certain other Matters. [22nd March, 1921.

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

Short Title.

1. This Act may be cited as the Finance Act, 1921.

PART I.

PUBLIC REVENUES.

Increase of unauthorised expenditure in connection with working railways for current financial year.

2. (1.) While this section continues in operation section three of the Public Revenues Amendment Act, 1915 (relating to unauthorised expenditure), shall be read and shall operate as if the sum of six hundred and fifty thousand pounds were substituted for the sum of one hundred and fifty thousand pounds as from the thirty-first day of March, nineteen hundred and twenty.

(2.) This section shall continue in operation until the close of the thirty-first day of March, nineteen hundred and twenty-one, and no longer.

Appropriations for year ending 31st March, 1921, extended to 31st October, 1921.

3. (1.) While this section continues in operation sections forty-three and forty-four of the Public Revenues Act, 1910 (relating to extended appropriations), shall be read and shall operate as if the following amendments were made therein as from the thirty-first day of March, nineteen hundred and twenty-one:—

(a.) The words "period ending on the close of the thirty-first day of October next" shall be deemed to be substituted for the words "space of three months" in subsection one of the said section forty-three:

(b.) The words "the period so ending on the thirty-first day of October" shall be deemed to be substituted for the words "such three months" in subsection one of the said section forty-three:

(c.) The words "bearing the same proportion to the total amount of such vote as the period elapsing between the commencement of the financial year and the close of the thirty-first day of October thereafter bears to the whole financial year" shall be deemed to be substituted for the words "equal to one-fourth part of such vote" in the first proviso to the said section forty-three:

(d.) The words "the period so ending on the close of the thirty-first day of October thereafter" shall be deemed to be substituted for the words "the three months thereafter" in paragraph (c) of the said section forty-four.

(2.) While this section continues in operation, section forty-seven of the Public Revenues Act, 1910 (relating to transfers from one vote to any other vote in the same class), shall be read and shall operate as if the words "in the same or any other class" were substituted for the words "in the same class" in subsection one.

(3.) While this section continues in operation section three of the Public Revenues Amendment Act, 1915 (relating to unauthorized expenditure), as amended by section thirty-nine of the Finance Act, 1916, shall be read and shall operate as if the following amendments were made therein as from the thirty-first day of March, nineteen hundred and twenty-one:—

(a.) The sum of two hundred and fifty thousand pounds shall be deemed to be substituted for the sum of one hundred and fifty thousand pounds:

(b.) The sum of six hundred thousand pounds shall be deemed to be substituted for the sum of three hundred and fifty thousand pounds.

(4.) Notwithstanding anything contained therein, this section shall not be deemed to be an Act granting and appropriating money within the meaning and for the purposes of section forty-three of the Public Revenues Act, 1910.

(5.) This section shall, unless sooner repealed, continue in operation until the close of the thirty-first day of October, nineteen hundred and twenty-one, and no longer.

4. The Westport Harbour Act, 1920, is hereby amended, as from the passing thereof, as follows:—

(a.) By inserting after section five the following new section:—

“5A. (1.) There shall be a special account in the Public Account to be called the Westport Harbour Account.

“(2.) The Minister of Finance may from time to time, without further appropriation than this Act, transfer from the Ordinary Revenue Account of the Consolidated Fund to the Westport Harbour Account such sums as may from time to time be required for the purposes of this Act.”

(b.) By omitting from subsection four of section six the words “the Consolidated Fund,” and substituting the words “the Westport Harbour Account”:

(c.) By omitting from section seven the words “the Consolidated Fund” wherever they occur, and in each case substituting the words “the Westport Harbour Account”:

(d.) By omitting from section eight the words “the Consolidated Fund” wherever they occur, and in each case substituting the words “the Westport Harbour Account.”

Westport Harbour Act, 1920, amended by making provision as to Westport Harbour Account.

PART II.

LAND AND INCOME TAX.

5. For the year commencing on the first day of April, nineteen hundred and twenty-one, land-tax shall be assessed, levied, and paid, pursuant to Part I of the Finance Act, 1917, at the rates specified in Part I of the Schedule to the Land and Income Tax Amendment Act, 1920. ADD proviso hereto

REPEALED: Vide Inset
Prescribing rates of land-tax for year commencing 1st April, 1921.

6. For the year commencing on the first day of April, nineteen hundred and twenty-one, income-tax shall be assessed, levied, and paid, pursuant to the Land and Income Tax Act, 1916, at the rates

AMENDED: Vide Inset.
Prescribing rates of income-tax for year commencing 1st April, 1921.

specified in Part II of the Schedule to the Land and Income Tax Amendment Act, 1920. **ADD proviso hereto**

AMENDED: Vide Inset.
Partial exemption of insurance companies from income-tax.

7. Unless otherwise provided in the annual taxing Act for any year, the amount of income-tax payable by any company carrying on the business of life insurance for the year commencing on the first day of April, nineteen hundred and twenty-one, and for every year thereafter, shall be one-half the amount that would be payable by the company if this section had not been passed. **ADD proviso hereto**

AMENDED: Vide Inset.
Reduced rates of penal tax, for default in payment of tax by due date, made applicable to tax for year commencing 1st April, 1920.

8. (1.) The amendments effected in section one hundred and twenty-seven of the Land and Income Tax Act, 1916, by section twenty-eight of the Land and Income Tax Amendment Act, 1920, shall apply with respect to income-tax payable under the Land and Income Tax (Annual) Act, 1920, for the year commencing on the first day of April, nineteen hundred and twenty.

(2.) This section shall be deemed to have been in force as from the date of the passing of the Land and Income Tax Amendment Act, 1920.

Declarations made for purposes of land and income tax to be exempt from stamp duty.

9. Every affidavit or declaration made for the purposes of the Land and Income Tax Act, 1916, shall be exempt from the payment of stamp duty, and the list of exemptions under the heading "Affidavit or Declaration made under Statute" in the Seventh Schedule to the Finance Act, 1915, is hereby extended accordingly.

PART III.

LOANS FOR PUBLIC WORKS.

Minister of Finance may borrow £2,500,000 for public works.

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

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

(3.) All moneys borrowed under the authority of this section shall, as and when borrowed, be paid into the Public Account to the credit of the Public Works Fund, and shall from time to time be applied for the purposes of public works in such amounts as are from time to time appropriated by Parliament.

(4.) This Part of this Act shall be deemed to be an authorizing Act within the meaning of the New Zealand Loans Act, 1908, and the moneys hereby authorized to be borrowed shall be borrowed under and subject to the provisions of that Act accordingly.

PART IV.

LOCAL AND PUBLIC BODIES' LOANS.

~~Refer to 1921 Act~~
Minister of Finance may vary, in respect of rate of interest or duration, conditions subject to which local authorities authorized to borrow moneys.

11. (1.) Notwithstanding anything to the contrary in any Act or in any rule of law, where a local authority or public body has been authorized before the passing of this Act or is hereafter authorized to borrow money, whether pursuant to a poll of ratepayers or otherwise howsoever, ~~at a specified rate of interest or for a specified term~~

AMENDED: Vide Inset.

exceeding ten years, and such money or any part thereof has not been borrowed, the local authority may, with the precedent consent of the Minister of Finance, borrow such money or such amount thereof as has not been borrowed, at such rate of interest or for such term, not less than ten years, as may be prescribed by the Governor-General by Order in Council.

(2.) An Order in Council under this section may relate generally to loans authorized to be raised by local authorities or public bodies, or may relate specifically to any such loan or loans that may be therein specified.

(3.) The consent of the Minister of Finance under this section shall be given with respect only to such loan or loans as may be specifically referred to therein.

(4.) The powers conferred by this section may be exercised in any case notwithstanding that debentures in respect of any moneys proposed to be borrowed may have been executed by a local authority, if such debentures have not been issued or hypothecated. Forthwith on the execution of debentures in respect of any moneys proposed to be borrowed pursuant to this section the local authority shall cancel all debentures theretofore executed by it as aforesaid and then uncanceled. ADD hereto (42)

(5.) This section is in substitution for section thirty-three of the Finance Act, 1920, and that section is hereby accordingly repealed.

(6.) All Orders in Council heretofore issued under section thirty-three of the Finance Act, 1920, and all consents heretofore given by the Minister of Finance under that section, shall be deemed to have been issued and given respectively under this section.

12. (1.) Section seventy-seven of the Local Bodies' Loans Act, 1913, is hereby amended by omitting the words "five hundred thousand," and substituting the words "two million."

(2.) Section eighty-one of the Local Bodies' Loans Act, 1913, is hereby amended as follows:—

(a.) By omitting from paragraph (b) the words "five per centum per annum," and substituting the words "such rate as the Minister may in any case approve"; and

(b.) By omitting from paragraph (c) the words "thirty-three years after the issue thereof," and substituting the words "a period not exceeding in any case thirty-three years after the issue thereof."

(3.) Section eighty-two of the Local Bodies' Loans Act, 1913, is hereby amended by omitting from subsection five the words "one and a half per centum per annum of the amount of the loan," and substituting the words "such per centum per annum of the amount of the loan as will, in the opinion of the Minister, be sufficient to provide for the repayment of the loan on the due date."

13. Where any local authority, as defined by the Local Bodies' Loans Act, 1913, has heretofore been or shall hereafter be authorized to raise a loan, whether pursuant to a poll of ratepayers or otherwise, and whether such loan has been raised in part or not, such local authority may, with the consent of the Governor-General in Council, raise any part of such loan upon terms of making

AMENDED: VIDE INSET

REPEALED, and substitution therefor
Vide Inset.

AMENDED: Vide Inset.

Repeal.

Saving.

Modifying provisions as to guarantee by Government of loans raised by local authorities.

Refer: 1920 Inset

Local authorities may borrow moneys on terms requiring repayment by instalments.

Refer: 1920 Inset

the same together with interest thereon repayable by instalments extending over such period of years, whether in excess of the period mentioned in the poll taken on the proposal for such loan or not, and payable at such times as may be fixed by such local authority, and may permanently appropriate and pledge for the purpose of securing such instalments any special rate already made or hereafter to be made or any part of such special rate. The consent of the Governor-General in Council shall, in so far as the lender of any such part of such loan so made payable by instalments is concerned, be deemed to be conclusive evidence that the local authority so raising such part of such loan was duly authorized by law so to do.

14. Any Borough Council may, with the consent of the Minister of Finance, and subject to such conditions as may be imposed by him, borrow money by way of bank overdraft at a rate of interest in excess of the rate specified in section ninety-six of the Municipal Corporations Act, 1908, or section ninety-nine of the Municipal Corporations Act, 1920.

15. (1.) Where any bank carrying on business in New Zealand, or any other person (hereinafter referred to as the lender), has, with the approval of and subject to conditions imposed by the Minister of Finance, advanced any moneys to the Waitaki High Schools Board (hereinafter referred to as the Board), the Minister of Finance may from time to time enter into agreements with the lender to guarantee to the lender the repayment of such advances and of the interest and other charges in respect thereof.

(2.) In the event of default being made by the Board in the repayment of any such advances, or of the interest or other charges thereon, or of any portion thereof, the Minister of Finance may, without further appropriation than this section, but subject to the provisions of the next succeeding subsection, pay to the lender out of the Consolidated Fund such amount as he may be liable to pay pursuant to the terms of the contract of guarantee.

(3.) The amount the payment of which is guaranteed by the Minister of Finance pursuant to this section shall not exceed at any one time the sum of two thousand five hundred pounds, and the amount or amounts paid by the Minister of Finance out of the Consolidated Fund pursuant to this section shall not exceed in the aggregate the sum of two thousand five hundred pounds.

(4.) All moneys paid out of the Consolidated Fund pursuant to this section shall be deemed to be a debt due to the Crown by the Board, and may be recovered accordingly, or may be deducted by the Minister of Finance from any moneys then or that may thereafter become payable to the Board out of the public revenues.

16. Notwithstanding anything to the contrary in the Local Bodies' Loans Act, 1913, or in any other Act, the Huntly Town Board is hereby authorized to raise a special loan by special order, without taking the steps described in sections eight to twelve of the Local Bodies' Loans Act, 1913, for the purpose of repaying any overdraft existing at the date of the passing of this Act, or of discharging any other liabilities lawfully incurred before that date for any purpose for which a special loan may be raised.

Minister of Finance
may authorize
Borough Councils
to pay increased
rates of interest on
bank overdrafts.

REPEALED:

Minister of Finance
may guarantee
overdraft of
Waitaki High
Schools Board
incurred for
rebuilding and
extension purposes.

Special provision
authorizing Huntly
Town Board to
borrow moneys for
payment of bank
overdraft.

17. Whereas the Buller Hospital Board is desirous of borrowing the sum of ten thousand pounds for purposes authorized by section ten of the Hospitals and Charitable Institutions Amendment Act, 1920 (No. 2): And whereas it is desirable that the State Advances Superintendent should be empowered to lend the said amount to the said Board out of moneys available for the purposes of the Advances to Local Authorities Branch of the State Advances Office, on such security as the Board is authorized to give pursuant to section ten of the Act hereinbefore referred to: Be it therefore enacted as follows:—

Authorizing the State Advances Superintendent to lend moneys to Buller Hospital Board for building purposes.

(1.) The State Advances Superintendent is hereby authorized to lend to the Buller Hospital Board, out of moneys available for the purposes of the Advances to Local Authorities Branch of the State Advances Office, such amount or amounts, not exceeding in the aggregate the sum of ten thousand pounds, as may be mutually agreed on by the Superintendent and the said Board, for the purpose of making additions to the buildings under the control of the said Board (being a purpose for which the Board is empowered to borrow money by virtue of section ten of the Hospitals and Charitable Institutions Amendment Act, 1920 (No. 2)).

(2.) Section sixty-eight of the Local Bodies' Loans Act, 1913, shall apply with respect to all moneys borrowed by the Buller Hospital Board from the Superintendent of the State Advances Office pursuant to this section.

(3.) The Superintendent of the State Advances Office is hereby empowered to accept as security for any loan under this section such security as the Board is empowered to give by virtue of section ten of the Hospitals and Charitable Institutions Amendment Act, 1920 (No. 2), and as he deems sufficient.

18. Section thirty of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1920 (conferring certain powers upon the Wairoa Harbour Board in reference to the borrowing of a sum of fifteen thousand pounds urgently required for the purpose of making immediate provision for certain shipping-facilities to be provided at Waikokopu), is hereby amended by substituting the words "twenty thousand pounds" for the words "fifteen thousand pounds" wherever the last-mentioned words occur in the said section.

Extending power conferred upon the Wairoa Harbour Board by section 30 of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1920.

19. (1.) Notwithstanding anything to the contrary in the Local Bodies' Loans Act, 1913, and particularly in subsection three of section twenty of that Act, the Wairoa Harbour Board may, with the consent of the State Advances Superintendent, refrain from levying for the financial year ending on the thirty-first day of December, nineteen hundred and twenty-one, the special rate securing the principal of and interest upon loan-moneys owing by the said Board to the State Advances Office, so that the special rate next to be levied by the said Board shall be the special rate for the financial year ending on the thirty-first day of December, nineteen hundred and twenty-two.

Conferring powers upon the Wairoa Harbour Board in reference to special rate securing loan moneys.

(2.) The said Board may, with the like consent, by resolution gazetted, alter the date or dates in each financial year upon which the said special rate is payable.

Special provisions as to contract between Auckland City Council and Langlands and Company (Limited) for erection of impounding-dam.

20. The Auckland City Council is hereby empowered, in respect of a contract for the erection of an impounding-dam at Nihotupu made between the Council and Langlands and Company (Limited), (hereinafter referred to as the Contractors), to do the following acts, matters, and things upon the cancellation of the said contract:—

- (a.) To pay to the contractors, in addition to any moneys already paid to them under the said contract, a sum not exceeding seven thousand five hundred pounds, representing payment for work done, but not already paid for:
- (b.) To release the contractors and their bondsmen and other relative securities from any further liability under the said contract, bonds, and securities.

PART V.

MISCELLANEOUS.

Board of Health.

Members of Legislature may be appointed members of Board of Health.

21. Notwithstanding anything to the contrary in the Legislature Act, 1908, the seat of a member of the Legislative Council or of the House of Representatives shall not become vacant, nor shall any person be incapable of appointment or election to the Legislative Council or of election to the House of Representatives, by reason of his appointment as a member of the Board of Health under the Health Act, 1920:

Provided that no person, being a member of either House of Parliament, shall be entitled to receive any payment in respect of his services as a member of the Board of Health, other than travelling-expenses as provided for in section eight of the Health Act, 1920.

Saving of certain Retiring-allowances.

Superannuation allowances of certain retired public servants not to be subject to deduction on account of fees payable for certain special services rendered to the Government.

22. (1.) Notwithstanding anything to the contrary in the Public Service Classification and Superannuation Act, 1908, no deduction shall be made from the retiring-allowances payable under the said Act to the retired public servants hereinafter mentioned in respect of any fees paid or payable to them for certain special services rendered to the Government and more particularly referred to in the next succeeding subsection.

(2.) The persons and services hereinbefore referred to are as follows:—

(a.) John Strauchon, Esquire, in respect of special services rendered as a member of a Commission to inquire and report as to the Patutahi, Aorangi, and other Native lands.

(b.) Andrew Duncan Thomson, Esquire, in respect of special services rendered as Chairman of a Commission to define the boundaries of the Greymouth Harbour Rating District and other matters affecting the administration of the Greymouth Harbour Board: Also in respect of special services rendered as a member of a Commission to classify the officers of the Legislative Departments.

- (c.) William Stonham Short, Esquire, in respect of special services rendered as a member of a Commission to define the boundaries of the Greymouth Harbour Rating District and other matters affecting the administration of the Greymouth Harbour Board: Also in respect of special services rendered as a member of a Commission to inquire and report as to certain matters relative to the financial position of the Huntly Town Board: Also in respect of special services rendered as a member of a Commission to inquire and report respecting a proposal to constitute a county to be called the Akarana County: Also in respect of special services rendered as a member of a Commission appointed pursuant to section ninety-one of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1920, to inquire and report as to the matters mentioned in that section.

Patents, Designs, and Trade-marks Amendment.

23. In order to give effect to the terms of the agreement of Berne (being an agreement respecting the preservation or the restoration of the rights of industrial property affected by the world war, dated at Berne on the thirtieth day of June, nineteen hundred and twenty, to which agreement the Government of New Zealand has acceded), and generally for the purpose of restoring rights of industrial property affected by the war, the Governor-General may, by Order in Council, where the time has expired within which any act or thing may or is required to be done under or for the purposes of the Patents, Designs, and Trade-marks Act, 1911, extend the said time subject to such conditions as he thinks fit, including conditions for the protection of the rights of persons who may have lawfully availed themselves of the subject-matter of any patent, design, or trade-mark.

REPEATED: Vide Inset.

Governor-General may make regulations extending times, &c., in order to give effect to international agreement for restoration of rights of industrial property affected by the war.

24. Subsection one of section one hundred and twenty-nine of the Patents, Designs, and Trade-marks Act, 1911, is hereby amended by inserting, after the words "any person who has applied for protection for any invention, design, or trade-mark in any country to which this section applies," the words "or his legal representative or assignee."

Section 129 of Patents, Designs, and Trade-marks Act, 1911, amended.

25. (1.) The term limiting the duration of patents is hereby increased from fourteen to sixteen years, and subsection one of section nineteen of the Patents, Designs, and Trade-marks Act, 1911, is hereby amended accordingly by omitting the word "fourteen," and substituting the word "sixteen."

Extension of term of patents. 9 & 10 Geo. 5, c. 80, s. 6.

(2.) Any patent the original term of which had not expired at the date of the commencement of this Act shall have effect as if the term mentioned therein was sixteen years instead of fourteen years:

Provided that any license existing at that date which has been granted for the term of the patent shall be treated as having been granted for the term as so extended if the licensee so desires.

(3.) Where the original term of any patent has expired within the two years immediately before the commencement of this Act,

the Registrar may, on application by the patentee, issue an order restoring the patent for the unexpired portion of the term of two years immediately succeeding the expiry of the original term. In every order under this subsection restoring a patent such provisions as may be prescribed shall be inserted for the protection of persons who may have availed themselves of the subject-matter of the patent after the expiry of the original term of the patent.

(4.) Where any party to a contract with the patentee, or any other person, is subjected to loss or liability by reason of the extension of the term of any patent under the provisions of this section, the Court shall have power to determine in what manner and by which parties such loss or liability shall be borne.