

New Zealand.



ANALYSIS.

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1928, No. 44.

Title.	AN ACT to provide for the Establishment and Powers of a Transport Board for the Metropolitan Area and the Suburban Districts of Auckland. [9th October, 1928.]
Short Title and commencement.	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 Auckland Transport Board Act, 1928, and shall come into force as provided in section seventy-six hereof.
Interpretation.	2. In this Act, if not inconsistent with the context,— “Board” or “Transport Board” means the Auckland Transport Board constituted under this Act : “City Council” means the Auckland City Council : “Constituent district” means any city, borough, town district, county, or road district situated wholly or partly within and forming part of the Auckland Transport District : “Constituency” means a portion of the Auckland Transport District whose electors are entitled to return one or more members of the Board : “District” means the Auckland Transport District constituted under this Act and as altered or enlarged from time to time : “Elector” means a person for the time being entitled to vote at an election of members of the local authority of a constituent district : “Financial year” means a period of twelve calendar months ending on the thirty-first day of March in any year : “General Manager” means the General Manager for the time being of the Board : “Minister” means the Minister of Public Works : “Prescribed” means prescribed by this Act or by by-laws or regulations made under this Act : “Ratepayer” means a person whose name appears for the time being in the occupiers column in the valuation roll of a constituent district in respect of rateable property within that district : provided that in all cases where the name of a husband or wife appears in such column then the term “ratepayer” shall include each of them : “Secretary” means the Secretary for the time being of the Board.

The District.

3. (1) The City of Auckland, together with the Boroughs of Mount Eden, Mount Albert, Newmarket, and Onehunga, the Road Districts of One Tree Hill, Mount Roskill, Mount Wellington, and Panmure Township, and the Town District of Ellerslie shall for the purposes of this Act form one district, to be known as the Auckland Transport District. Constitution of district.

(2) The Governor-General may at any time and from time to time by Proclamation published in the *Gazette*, with the approval of the Minister and of the local authority of the area concerned, alter the boundaries of the district by including therein any local district or part thereof not now included therein, or by excluding therefrom any local district or part thereof now included therein; and may by like Proclamation and with the consent of the Board make any provision for variation of the number and method of election of members of the Board necessitated by any such alteration.

The Board.

4. (1) There shall be for the district a Transport Board constituted as hereinafter provided. Constitution of Board.

(2) The said Board shall be a body corporate under the name of the Auckland Transport Board, and shall have perpetual succession and a common seal, with power to purchase, take on lease, hold, deal with, and dispose of by sale, lease, or exchange, real and personal property, and to do and suffer all that bodies corporate may lawfully do and suffer.

(3) The Board shall be deemed to be a local authority under the Tramways Act, 1908, the Public Works Act, 1908, the Local Bodies' Loans Act, 1926, the Local Government Loans Board Act, 1926, and the Local Elections and Polls Act, 1925.

5. (1) The Board shall consist of ten members. Members of Board.

(2) Subject to the special provision hereinafter contained as to the election of the first Board, members of the Board shall be elected by the electors of the constituent districts as follows: Six members by the electors of the City of Auckland; two members by the electors of the Boroughs of Mount Eden, Mount Albert, and Newmarket; two members by the electors of the Borough of Onehunga and the Road Districts of One Tree Hill, Mount Roskill, Panmure Township, and Mount Wellington, and the Town District of Ellerslie.

(3) Every elector shall have one vote only, even though he is an elector of more than one constituent district.

6. The first Board shall be elected as follows:— First Board.

(a) Within one month from the coming into operation of this Act the Auckland City Council shall hold a special meeting for the purpose of electing six members of the Board, and shall at such meeting elect such six members by resolution and shall forthwith forward to the Minister a certified copy of such resolution, together with the written consents of the members so elected, and the Minister shall publish the same in the *Gazette*.

(b) Within the same period the Borough Councils of Mount Eden, Mount Albert, and Newmarket shall respectively hold special

meetings for the purpose of nominating some person or persons for election to the Board, and shall at such respective meetings by resolution nominate such person or persons (not being more than two in respect of any one Borough Council) and forthwith forward to the Minister certified copies of such resolutions, together with the written consents of the persons so nominated, and the Minister shall publish the same in the *Gazette*. Should two persons only be so nominated they shall be deemed to be elected, but should more than two persons be so nominated the Minister shall thereupon direct an election to be held by the members of the local bodies concerned at such time and in such manner as he shall by Order in Council published in the *Gazette* direct.

- (c) Within the same period the Borough Council of Onehunga and the Road Boards of One Tree Hill, Mount Roskill, and Mount Wellington, and the Town Board of Ellerslie shall respectively hold special meetings for the purpose of nominating some person or persons for election to the Board, and shall at such respective meetings by resolution respectively nominate such person or persons (not being more than two in respect of any one local authority) and forthwith forward to the Minister certified copies of such resolutions, together with the written consents of the persons so nominated, and the Minister shall publish the same in the *Gazette*. Should two persons only be so nominated they shall be deemed to be elected, but should more than two persons be so nominated the Minister shall thereupon direct an election to be held by the members of the local bodies concerned, at such time and in such manner as he shall by Order in Council published in the *Gazette* direct.

- (d) The members of the Board so elected shall hold office until the first Wednesday in May, nineteen hundred and thirty-one:

Provided that the local authority or authorities appointing or electing them may at any time after the first Wednesday in May, nineteen hundred and twenty-nine, and before the thirty-first day of May, nineteen hundred and twenty-nine, remove any member or members appointed by such local authority or authorities and appoint another or others in his or their place or places to hold office until the first Wednesday in May, nineteen hundred and thirty-one, and the provisions of this section shall, *mutatis mutandis*, apply to any such substitutionary appointment.

Term of office.

7. (1) Subject as herein provided, the term of office of members of the Board shall be four years.

(2) On the first Wednesday in May, nineteen hundred and thirty-one, and on the first Wednesday in May of every fourth year thereafter, a general election of members of the Board shall be held.

(3) Each member of the Board shall come into office upon his election and shall unless his office sooner becomes vacant hold office until the election of his successor.

(4) Every such election shall be held under and subject to the provisions of the Local Elections and Polls Act, 1925, and the provisions of that Act, including the penal provisions thereof and the provisions relating to disputed elections, shall, so far as applicable and so far as consistent with this Act, apply accordingly.

8. (1) For the purposes of any election or poll under this Act other than a ratepayers poll the rolls of the electors of the several constituent districts in each constituency taken together, or so much of those rolls as relates to lands within the district, as the case may require, shall be deemed to be the roll of the electors of the constituency. Electors and ratepayers rolls.

(2) It shall be the duty of the Clerk of the local authority of each constituent district whenever requested so to do by the Board to supply to the Board a certified roll of electors of such constituent district or any defined portion thereof, together with as many copies thereof as the Board may require.

(3) The Board shall pay the sum of one shilling for each such copy.

(4) For the purposes of any ratepayers poll under this Act the rolls of the ratepayers of the several constituent districts in the district or any subdivision thereof taken together, or so much of those rolls as relates to lands within the district or subdivision, as the case may require, shall be deemed to be the roll of the ratepayers of the district or subdivision, and the provisions of this and the next succeeding section relating to electors rolls and electors respectively shall, *mutatis mutandis*, apply to ratepayers rolls and ratepayers respectively.

9. (1) At any election or poll under this Act only electors as hereinbefore defined shall be entitled to vote. Election of members.

(2) At any such election or poll the vote of any elector may be recorded at any polling-place within any constituency in which such elector is entitled to vote, or at any polling-place within or without the district which may be specially appointed as a polling-place at which may be recorded the votes of electors irrespective of the constituency in which they are entitled to vote.

(3) For the purposes of any such election or poll any Returning Officer appointed by the local authority of a constituent district may be appointed a Returning Officer or Deputy Returning Officer of the Board for any constituency.

10. (1) No person other than an elector shall be capable of being elected or appointed as or of being a member of the Board. Qualification of members.

(2) The following persons shall be incapable of being elected to be members of the Board, that is to say :—

- (a) A minor ;
- (b) An alien ;
- (c) A person of unsound mind ;
- (d) A bankrupt who has not obtained his order of discharge, or whose order of discharge is suspended for a term not yet expired or is subject to conditions not yet fulfilled ;
- (e) A person convicted of any offence punishable by imprisonment, unless he has received a free pardon, or has served his sentence, or otherwise suffered the penalty imposed on him ;
- (f) A person who holds any office or place of profit under or in the gift of the Board ; or

- (g) A person who is concerned or interested (otherwise than as a member of an incorporated company in which there are more than twenty members, and of which he is not the general manager or manager) in any contract made by the Board (other than a contract relating to land entered upon or taken, or proposed to be entered upon or taken, under the authority of this Act) if the payment made or to be made by the Board in respect of any such contract exceeds five pounds in the case of a single contract, or ten pounds altogether in any financial year in the case of two or more contracts, except in special cases to be previously approved by the Audit Office on the application of the Board. In any such special case the Audit Office may authorize the payment and receipt of such amount as it thinks fit, not exceeding in the aggregate fifty pounds in any financial year in respect of any contract or of two or more contracts :

Provided that an interest in any loan raised by the Board, whether on security or otherwise, or in any newspaper in which the Board inserts advertisements, or in any lease granted or agreed to be granted to or by the Board, shall not constitute a disqualification under this paragraph.

Extraordinary Vacancies.

Extraordinary
vacancies.

11. (1) The office of a member shall become vacant if he—
- (a) Dies ; or
 - (b) Resigns his office by writing under his hand delivered to the Secretary or Chairman of the Board, or is ousted of office ; or
 - (c) Becomes a bankrupt, or makes any composition with his creditors for less than twenty shillings in the pound, or makes an assignment of his estate for the benefit of his creditors ; or
 - (d) Becomes of unsound mind ; or
 - (e) Is convicted on an indictment, or is sentenced by the Supreme Court on a plea of guilty to any charge of an indictable offence, or is sentenced by the Court for any offence to imprisonment without the option of a fine, or to reformative detention under any Act ; or
 - (f) Is absent without leave from four consecutive meetings of the Board ; or
 - (g) Holds any office or place of profit under or in the gift of the Board ; or
 - (h) Is concerned or interested (otherwise than as a member of an incorporated company in which there are more than twenty members, and of which he is not the general manager or manager) in any contract made by the Board (other than a contract relating to land entered upon or taken, or proposed to be entered upon or taken, under the authority of this Act) if the payment made or to be made by the Board in respect of any such contract exceeds five pounds in the case of a single contract, or ten pounds altogether in any financial year in the case of two or more contracts, except in special cases to be previously approved by the Audit Office on the

application of the Board. In any such special case the Audit Office may authorize the payment and receipt of such amount as it thinks fit, not exceeding in the aggregate fifty pounds in any financial year in respect of any contract or of two or more contracts :

Provided that an interest in any loan raised by the Board, whether on security or otherwise, or in any newspaper in which the Board inserts advertisements, or in any lease granted or agreed to be granted to or by the Board, shall not constitute a cause of forfeiture under this paragraph :

- (1) Is convicted of an offence against section twenty-four hereof.
- (2) If any person does an act as a member after his office has become vacant under this section he shall be liable on summary conviction to a fine of fifty pounds.
- (3) If any member becomes concerned or interested in any contract made by the Board so as thereby to forfeit his office under this section, he shall be liable on summary conviction to a fine of fifty pounds, and shall not be entitled to enforce that contract as against the Board ; and all moneys paid to him by the Board in respect of the contract shall constitute a debt due by him to the Board and shall be recoverable by action accordingly in any Court of competent jurisdiction.
- (4) Every member who knowingly takes part in the making by the Board of any contract in which any other member is so concerned or interested as thereby to forfeit his office under this section is liable on summary conviction to a fine of fifty pounds.
- (5) It shall be the duty of the Audit Office to institute proceedings for the recovery of any fine under this section, but nothing herein shall be so construed as to prevent such proceedings from being taken by any other person.
- (6) Any member who becomes concerned or interested in any contract made by the Board so as thereby to forfeit his office under this section shall be disqualified for three years after the date of that forfeiture from being elected or appointed as a member of the Board.
- (7) Any vacancy occurring under this section or under section fourteen hereof shall be deemed an extraordinary vacancy.
- (8) All fines recovered under this section by the Audit Office shall be paid into the Public Account and form part of the Consolidated Fund.

12. In the event of an extraordinary vacancy occurring within twelve months of the time when the member whose seat has been vacated would have retired, the same shall be filled by the Board, and in other cases the provisions of the Local Elections and Polls Act, 1925, relating to extraordinary vacancies, shall apply.

Filling
extraordinary
vacancy.

13. The constitution of the Board and the validity or legality of acts done by the Board shall not be affected by any error or defect in the election of any member of the Board or by the fact that the full number of members has not been elected, or by the fact that any person acting as a member of the Board is disqualified or has vacated his seat.

Validity of acts
not affected by
defects.

Ouster of Office.

14. (1) Upon proof in the first instance by affidavit or otherwise that any member of the Board is or has become incapable under this

Ouster of office.

Act of holding his office, any Magistrate's Court in the district may grant a summons calling upon the person holding such office to show cause why he should not be adjudged to be ousted of the same.

(2) If on the return of such summons it appears to the Court, on affidavit or oral evidence on oath, that such person is incapable under this Act of holding the said office, the Court may adjudge such person to be ousted of the same, and such person shall be ousted of such office accordingly.

(3) In any such proceeding the Magistrate's Court may exercise all the powers and authorities which it may exercise in its ordinary jurisdiction in civil cases, and the procedure of such Court shall, so far as applicable, apply generally to proceedings had under this section.

(4) No matter in relation to a disputed election shall be heard by the Magistrate's Court under this section.

(5) No question which may be tried under this section shall be tried in the Supreme Court; and no proceedings in the Magistrate's Court hereunder shall be removable into the Supreme Court by certiorari or otherwise.

The Chairman.

Chairman of Board.

15. (1) The Board shall at its first meeting, and thereafter at the annual meeting in each second year, elect one of its members to be Chairman of the Board.

(2) At every meeting for the election of a Chairman the Secretary shall preside, or if there be no Secretary then some person appointed by the Board, and in any case of an equality of votes shall determine the election by lot in such manner as the Board directs.

(3) The Chairman shall come into office on his election, and shall hold office until the election of his successor.

(4) The Chairman may resign his office by writing under his hand delivered to the Secretary; and in such case, or in the case of his ceasing from any cause to be a member of the Board, his office shall become vacant, and the Secretary shall forthwith convene a meeting of the Board for the election of a fresh Chairman.

(5) The Board may from time to time appoint one of its members to be Deputy Chairman, either for a specified period or until the next annual meeting of the Board.

Remuneration of
Chairman.

16. (1) The Chairman may be paid out of the funds of the Board such annual allowance as may from time to time be fixed by the Board with the approval of the Minister, but no alteration in the amount of the allowance shall take effect during the term of office of the Chairman for the time being. For the purposes of this section a person re-elected Chairman shall be deemed a new Chairman.

(2) The receipt of an allowance under this section shall not constitute a cause of forfeiture of office under section eleven hereof.

Committees.

Board may appoint
standing or special
committees.

17. The Board may from time to time appoint standing or special committees, and may delegate to such committees any matter for consideration or inquiry or management or regulation, and may delegate to any such committee any of the powers and duties by this Act conferred or imposed upon the Board, except the powers to borrow money, to

make a rate, to make a by-law, to execute a deed or contract, or to institute an action.

18. Every committee to which any powers or duties are delegated as aforesaid may without confirmation by the Board exercise or perform the same in like manner and with the same effect as the Board could itself have exercised or performed the same.

Committee may exercise delegated powers.

19. Every such committee shall be subject in all things to the control of the Board and shall carry out all directions, general or special, of the Board given in relation to such committee or its affairs.

Committee to be subject to direction by Board.

20. The Board appointing any committee may appoint a member of such committee to be the permanent Chairman thereof; and if no such appointment is made the committee may make the appointment.

Chairman of committee.

21. The Board may from time to time discharge, alter, continue, or reconstitute any committee appointed by it.

Discharge of committee.

Proceedings of Board and Committees.

22. Every question coming before the Board or any committee shall be decided by open voting.

Open voting.

23. At every meeting of the Board the Chairman if present, or in his absence the Deputy Chairman (if any), shall be Chairman. At every meeting of any committee the permanent Chairman thereof, if present, shall be Chairman. If the Chairman and the Deputy Chairman (if any) are absent from any meeting of the Board, or if the permanent Chairman is absent from any meeting of the committee, then such member as the members of the Board or committee then present choose shall be Chairman of such Board meeting or committee meeting, as the case may be.

Chairman to preside at Board meetings.

24. (1) A member of the Board or committee shall not vote or take part in the discussion of any matter before the Board or committee in which he has, directly or indirectly, by himself or his partner, any pecuniary interest otherwise than as occupier or owner of rateable property or as a member of an incorporated company in which there are more than twenty members and of which he is not the general manager or manager.

Member of Board or committee not to vote on question in which he has pecuniary interest.

(2) A member who knowingly offends against this section is liable to a fine not exceeding fifty pounds for every such offence, and upon conviction his seat on the Board and on any committee shall become vacant.

(3) It shall be the duty of the Audit Office to institute proceedings under this section, but nothing herein shall be so construed as to prevent such proceedings from being taken by any other person.

25. (1) A quorum of the Board shall consist of half the total number of the members of the Board (irrespective of any casual vacancies) when that number is even, and a majority of such members when the number is odd.

Quorum of Board and of committee.

(2) The Board may fix the quorum of any committee appointed by it, and in default of its so doing the committee may fix the quorum.

(3) A meeting shall be duly constituted if a quorum is present thereat, whether voting or not.

26. (1) All acts of the Board and of any committee, and all questions before the Board or any committee, may be done and decided by the majority of such members of the Board or committee as are

Questions to be decided by majority of votes.

present and vote at a meeting held in pursuance of this Act or of any regulation or by-law made thereunder.

(2) The Chairman of any meeting of the Board or of any committee shall have a deliberative vote, and in case of equality of votes shall have a casting-vote also.

Proceedings not to be invalid by reason of irregularities in election of members, &c.

27. No act or proceeding of the Board or of any committee or of any person acting as a member of the Board shall be invalidated in consequence of there being a vacancy in the number of the Board at the time of such act or proceeding, or of the subsequent discovery that there was some defect in the election or appointment of any person so acting or that he was incapable of being such member.

Ordinary meetings of Board.

28. (1) The Board shall hold such ordinary meetings at such times and at such places as it from time to time appoints.

(2) The Chairman or the Secretary shall give notice in writing to each of the members of the time and place appointed from time to time for holding ordinary meetings, and the members shall attend such meetings without further notice of each meeting.

(3) The Board shall hold an annual meeting in the month of May in each year at the office of the Board.

Special meetings.

29. (1) The Board may hold special meetings, and the Chairman or any three or more of the members may call a special meeting.

(2) No special meeting shall be held unless at least three days' notice in writing thereof, and of the business to be transacted thereat, has been given to members, and no business shall be transacted at a special meeting unless notice thereof has been so given.

Adjournment of meetings.

30. Any meeting of the Board may be adjourned to another day not later than seven days thereafter, and notice of such adjourned meeting shall be given to each member.

Postponement of meetings.

31. If a quorum is not present within half an hour of the time appointed for any meeting, the Chairman, or members, or member (if there is only one) present, or the Secretary if no member is present, shall postpone such meeting either to a later hour on the same day or to the next day at the usual hour of meeting. No notice of any such postponement need be given. A postponed meeting may be adjourned, but not postponed.

Meetings to be open to public unless Board otherwise determines.

32. (1) Meetings of the Board shall be open to the public; but the Board for sufficient cause, of which it shall be the sole judge, may exclude strangers altogether from any meeting.

(2) The Chairman at any meeting may order any constable or officer of the Board to exclude or remove any stranger from any meeting at which he is not entitled to be present, and from any other meeting on account of noisy or disorderly conduct or intoxication.

Extraordinary business.

33. (1) No extraordinary business shall be transacted at any ordinary meeting of the Board unless due notice of such business has been given at a prior meeting or forwarded to the Chairman or Secretary seven days at least before the meeting at which it is to be brought forward, and at least three days' notice in writing of such business has been sent out to each member.

(2) Subject to the standing orders of the Board, the Chairman of the meeting shall determine what business shall be deemed to be extraordinary within the meaning of this section.

34. (1) Any resolution of a meeting of the Board may (save as to anything theretofore lawfully done thereunder) be revoked or altered at the same meeting by the unanimous vote of the members present when it was passed, or by a resolution passed at a subsequent meeting of the Board.

Revocation or alteration of resolutions.

(2) Notice of such subsequent meeting and of the proposal to revoke or alter such resolution shall be given to each member three days at least before such subsequent meeting.

35. No act or proceeding of the Board shall be invalidated in consequence of any failure to give to any member of the Board due notice of any meeting or of the business to be transacted thereat.

Proceedings not invalidated by failure to give notice.

36. (1) The Secretary shall keep the minutes of the proceedings of the Board in a book, in which he shall enter, subject to the directions of the Board, the names of the members attending each meeting and the names of the members voting on each question on which there is a division, and every resolution, order, or other proceeding of the Board, and any other matter directed by the Board to be entered upon the minutes.

Minutes of proceedings to be kept.

(2) The minutes of the proceedings of every meeting shall be read at the next ordinary meeting succeeding, and, if approved by the Board or when amended as directed by the Board, shall be signed by the Chairman of such succeeding meeting.

(3) The minutes of proceedings of any meeting of the Board kept as above provided, or an extract thereof certified as correct by the Chairman or Secretary, shall, unless the contrary is proved, be received as evidence of such proceedings and of the due convening and holding of the meeting; and the validity of all such proceedings shall be presumed unless the contrary is proved.

(4) The minute-book of the Board shall be kept in the office of the Board and shall be open for inspection without fee during all office hours by any member of the Board or by any creditor or ratepayer of the district.

37. (1) The Board shall out of its funds pay to each of its members (other than the Chairman) an allowance of one pound ten shillings for each meeting of the Board or any committee thereof attended by him, but not exceeding seventy-eight pounds in any financial year. The receipt of any payment under this section shall not constitute a cause of forfeiture of office under section eleven hereof.

Remuneration of Board.

(2) There may be paid to the Chairman and to the members of the Board out of the funds of the Board all amounts actually and reasonably expended by them in attending meetings of the Board or of any committee thereof, or in transacting any business of the Board pursuant to a resolution of the Board.

Special Orders.

38. (1) The power given by this or any other Act to the Board to do anything by special order shall be exercised only as follows:—

Special orders, how made.

(a) Notice of the intention to move the resolution to do such thing shall be given as for extraordinary business, and the resolution shall be passed at the meeting for which the notice was given.

- (b) The resolution shall be confirmed at a subsequent meeting held not sooner than the twenty-eighth day and not later than the fifty-sixth day after the first meeting.
 - (c) Public notice of the time and place fixed for the subsequent meeting, and of the resolution, shall be given once in each of the four weeks immediately preceding the day on which the subsequent meeting is to be held.
 - (d) In publicly notifying the resolution it shall be sufficient to set forth the object, purport, or general effect thereof if a copy of the resolution is deposited at the public office of the Board and is open to the inspection of the public for at least seven days immediately preceding the day appointed for the holding of the subsequent meeting.
- (2) A special order may (save as to anything theretofore lawfully done thereunder) be revoked or altered by a subsequent special order.
- (3) A document purporting to be a copy of any special order, sealed with the common seal of the Board, shall be received as evidence for all purposes of the special order of which such document purports to be a copy, having been duly made in accordance with this Act, unless the contrary is proved.
- (4) A special order shall not be quashed by any proceedings in any Court or otherwise unless such proceedings are commenced within six months from the making of the special order.

Regulation of Procedure.

39. The Board may, subject to the provisions of this Act, make by-laws or pass resolutions—

- (a) Regulating the proceedings of the Board and the conduct of meetings thereof respectively :
- (b) Regulating the adjournment of meetings of the Board :
- (c) Directing notices of meetings to be given, and prescribing the form and mode and time of service thereof :
- (d) Regulating debates :
- (e) Providing for the custody of documents and the custody and use of the common seal, and prescribing the mode and form of attestation thereof :

Provided that no by-law or resolution made or passed under this paragraph shall affect any person acting in good faith, and taking or to take any estate, interest, or advantage under any document having or about to have the common seal affixed thereto :

- (f) Prescribing the duties of officers and servants :
- (g) Prescribing forms of and in connection with any proceedings of the Board :
- (h) Concerning anything incidental to any of the matters hereinbefore referred to.

Public Office.

40. The Board may from time to time provide public offices within or without the district, with fitting furniture for the same, for holding its meetings and transacting its business, and for the use of

Board may make
by-laws.

Offices of Board.

its officers and for any other purposes; and may purchase or take on lease land or buildings for such purposes, or may cause buildings to be erected on any land belonging to or leased to the Board, or any such building to be added to or improved.

Officers.

41. (1) The Board may by resolution from time to time appoint fit persons to be General Manager, Secretary, Treasurer, Engineer, Surveyor, and all such other officers and servants as it thinks necessary to assist in the execution of this Act, and may pay such persons such salaries and allowances out of the funds of the Board as it thinks fit. .

Appointment of
officers of Board.

(2) No member of the Board shall be capable of holding any such office unless without remuneration.

(3) One person may hold two or more of such offices.

42. During the absence from duty of any officer of the Board by reason of illness, leave of absence, or other cause, the duties and powers of such officer may be performed and exercised by an acting officer appointed by the Board; and any such appointment may be either general or for some occasion only.

Acting officers.

Finance.

43. (1) The Board may from time to time borrow such sums as are necessary for carrying out the purposes of this Act.

Borrowing-powers
of Board.

(2) Such sums shall be borrowed in the manner prescribed by the Local Bodies' Loans Act, 1926, and the Local Government Loans Board Act, 1926, all the provisions of which Acts (including the provisions relating to special rates) shall accordingly extend and apply as if the Board were a local authority and the district a district within the meaning of those Acts, subject always to the provisions of this Act: provided that no joint loan shall be raised except with the consent of the Governor-General in Council.

(3) Under the provisions of this section the Board shall be at liberty to raise a loan for an authorized purpose for the benefit of a defined part or defined parts of the districts (whether called by a distinctive name or not), and in any such case every constituent district within the defined part or parts shall, without limiting the meaning of the expression "legal subdivision" as used in section three of the Local Bodies' Loans Act, 1926, be deemed to be a legal subdivision.

(4) Notwithstanding anything to the contrary in the Local Bodies' Loans Act, 1926, a loan may be raised by the Board for the benefit of defined parts of the district, although such parts may not together form one continuous area.

44. (1) The local authority of any constituent district may out of its general fund contribute by way of advance such sum as it thinks fit towards the expenses of the investigation of matters incidental to the provision of transport facilities in the district or any part or parts thereof, and in connection with and incidental to the constitution of the district and the election of the Board, including the cost of promoting and passing this Act, and towards any expenses that may be incurred by the Board before the end of the financial year in which it is constituted. All moneys advanced by a local authority

Local authority
may make advance
for preliminary
expenses.

under this section shall be repayable by the Board on demand and shall be recoverable by the local authority as a debt due to it by the Board.

(2) The Board shall refund on demand to the local authorities represented before the Transport Commission which sat in Auckland in April, May, and June, nineteen hundred and twenty-eight, all costs and expenses reasonably and properly incurred by such local authorities in connection with such representation, and the Board shall be the sole judge as to the amounts payable under this subsection.

Estimated income and expenditure of Board.

45. (1) The Board shall during the month of May in every year, or as soon thereafter as may be, make an estimate—

(a) Of the amount of its expenditure during the financial year; and

(b) Of the amount of its income during the same year.

(2) In this section the term "expenditure" includes any deficiency in the revenues of the Board during the preceding or any former financial year, but does not include capital expenditure; and the term "income" includes moneys in the hands of the Board at the commencement of the financial year, but does not include capital moneys.

Board may make levy for excess of expenditure.

46. (1) In any year in which the amount of the estimated expenditure exceeds the amount of the estimated income the amount of the excess may be raised by a levy upon the local authorities in the district apportioned among them in proportion to the capital value of the rateable property in each constituent district as determined by the Valuer-General under the Valuation of Land Act, 1925, as being approximately correct as on the first day of April in the financial year in which the levy is made.

(2) On making such levy the Board shall furnish to each local authority in the district a copy of the estimate provided for in section forty-five hereof and a statement showing the amount apportioned to each local authority.

Recovery of contributions.

47. (1) The amount so apportioned by the Board to any contributory local authority shall constitute a debt payable by the corporation of that authority to the Board, and may be recovered by the Board by action in any Court of competent jurisdiction.

(2) The said amount shall be payable to the Board by equal instalments, being not more than twelve or less than four, as the Board may from time to time determine, and every such instalment shall be due on the day fixed by the Board for the payment thereof. The Board shall give to the contributory local authority not less than fourteen days' notice in writing of the due date of each instalment.

(3) Interest at such rate as the Minister of Finance may from time to time decide shall be payable by the local authority to the Board on the amount of any instalment, or part thereof, remaining unpaid after the expiration of fourteen days from the date on which such amount became due.

Local authority may pay levy out of ordinary funds or rate.

48. Every contributory local authority liable to pay any contribution under the foregoing provisions of this Act may pay the same out of its ordinary funds, or may if it thinks fit, in addition to its other rating-powers, raise the required amount by a rate to be made and levied for that purpose.

Valuer-General to supply statements of rateable values.

49. The Valuer-General shall at the request of the Board, and on payment of such fees as the Governor-General in Council may from

time to time prescribe, supply to the Board a statement showing the total value of all the rateable property within each constituent district and such other particulars as the Board may require for the purpose of making and collecting any levy.

50. (1) The Board may in anticipation of its income from time to time borrow moneys from its bankers by way of overdraft or from any corporation or person by way of temporary loan, but, except with the consent of the Local Government Loans Board, not exceeding at any time the amount of the estimated income for the current financial year less the amount of moneys in the hands of the Board at the commencement of the year (if any).

Board may borrow moneys by way of overdraft.

(2) The provisions of section thirty-two of the Finance Act, 1927 (No. 2), shall apply to all overdrafts and loans borrowed under this section.

51. (1) The Board may appropriate in any year any moneys standing to the credit of the Transport Fund Account and not appropriated for any special purpose towards the creation of a special fund to provide for the following contingencies:—

Board may establish special funds.

- (a) Destruction of or injury to any of the property of the Board :
- (b) Depreciation in the value of any of the property of the Board :
- (c) Claims which may be made upon the Board by employees or other persons :
- (d) The lack or insufficiency of any sinking fund of any loan, or the depreciation of any of the investments thereof :
- (e) Any other losses or expenditure.

(2) The Board may invest all moneys so appropriated and the interest and profits accruing therefrom in such securities as it from time to time determines, or in the Board's undertaking.

(3) The Board may at any time and from time to time repay into the Transport Fund Account the whole or any part of the moneys so appropriated or invested and the accumulation thereof, except in the case of moneys set apart for the contingencies mentioned in paragraph (b) of subsection one hereof.

(4) The Board shall if and when so required by the Audit Office establish a fund to provide for the contingency mentioned in paragraph (b) of subsection one hereof at a rate to be approved by the Audit Office.

52. (1) All moneys belonging to the Board shall be paid into such bank as the Board from time to time appoints to an account to be called the "Transport Fund Account."

Transport Fund Account.

(2) No money shall be drawn out of the bank except pursuant to a resolution of the Board, and all moneys shall be paid by the Board in cash or by cheque signed by any two of such of the members as the Board from time to time authorizes to sign cheques, and countersigned by an officer appointed by the Board for the purpose.

53. (1) The Board shall cause books to be provided and kept and true and regular accounts to be entered therein in the form prescribed by regulations of all sums received and paid by the Board, and of the several purposes for which such sums were received and paid.

Board to keep proper accounts.

(2) Such books shall at all reasonable times be open for the inspection of any member of the Board and any debenture-holder or creditor of the Board.

Balance-sheets and audits.

54. (1) The Board shall not later than the month of May in every financial year cause its accounts for the preceding financial year to be balanced and a true statement and account to be prepared, in the form prescribed by regulations—

- (a) Of all contracts entered into during the financial year ;
- (b) Of the income and expenditure of the Board for that year ; and
- (c) Of all assets and liabilities of the Board at the end of that year.

(2) All such accounts shall be audited by the Audit Office, which for that purpose shall have and may exercise all such powers as it has under the Public Revenues Act, 1926, in respect of public moneys.

(3) The Board shall keep such accounts and in such form as may from time to time be required or approved by the Minister of Finance.

Board may establish superannuation and bonus funds.

55. The Board may out of its funds establish or contribute to—

- (a) Superannuation funds to provide for the payment to officers and servants of the Board or their dependants of gratuities, retiring-allowances, and other such grants :
- (b) Bonus funds to provide for the payment to officers and servants of the Board or any association of such officers or servants of bonuses, gratuities, and other like payments.

Unauthorized expenditure.

56. The Board may in every financial year out of the Transport Fund Account expend for purposes not authorized by any Act or law for the time being in force any sum or sums not amounting in the whole to more than one per centum of the gross receipts of the Board for that year, exclusive of loan-moneys.

Purchase and Construction of Transport Undertaking.

Board to purchase transport undertaking of Auckland City Council.

57. (1) The Board shall on a date to be arranged between the Board and the City Council, but within one calendar month from the date of the first meeting of the Board, take over as a going concern the tramway and motor-omnibus undertaking of the City Council, with all lands, buildings, plant, and other assets used and enjoyed in connection therewith, including all sinking funds held on behalf of the City Council in respect of loans relating to the undertaking, and with the benefit and subject to the burden of all contracts and obligations of the City Council in connection therewith, including the loan indebtedness of the City Council in relation to the said undertaking.

(2) The said undertaking shall be taken over by the Board as from the first day of April, nineteen hundred and twenty-eight, and the City Council shall be deemed as from that date to have been carrying on the same for and on behalf of the Board, and all payments made, moneys received, and obligations entered into by the City Council in relation thereto, including subsidies and other commitments and undertakings in favour of the employees or any association of the employees in the said undertaking, shall be deemed to have been so made, received, and entered into on behalf of the Board, and the City Council shall account and be entitled to indemnity accordingly.

(3) The Board shall indemnify the City Council in respect of all its liabilities in connection with the said undertaking, and shall make to the Auckland City Sinking Funds Commissioners all payments on account of sinking funds which the Council has heretofore been making in connection with loans in relation to the undertaking, and the Board shall issue and give to the City Council debentures secured as a first charge

on all the assets and revenues of the Board for the total amount of the special loan indebtedness of the City Council in relation to the said undertaking, such debentures to be identical in their terms with the respective series of debentures issued by the City Council, and now subsisting in respect of the undertaking, so that the City Council shall be entitled to receive from the Board by virtue of the said debentures all principal, interest, and other moneys which it is liable to pay in connection with its said debentures at the times and in the manner at and in which the City Council is liable to pay the same respectively.

(4) All necessary documents of title for the vesting of the said undertaking in the Board shall be prepared by the Board and tendered to the City Council for execution and shall be executed by the City Council, and the costs of preparation and perusal of the said documents and all other incidental expenses relating to the transfer of the said undertaking shall be borne by the Board.

(5) No adjustments of rates, interest, or other periodical payments or receipts shall be made as between the City Council and the Board.

(6) Upon the taking - over of the said undertaking by the Board there shall be vested in it all authorizing orders or other authorities under the Tramways Act, 1908, issued or granted to the local authority of any constituent district as fully and effectually as if such orders or authorities had been originally issued or granted to or in favour of the Board, and the Board shall be solely entitled to exercise all the rights, powers, and authorities which any of such local authorities might but for this Act have been entitled to exercise under or by virtue of the Tramways Act, 1908, or any amendment thereof.

(7) No stamp duty shall be payable on any conveyance, transfer, or other document executed for the purpose of vesting in the Board the whole or any part of the said undertaking.

Powers of Board.

58. Subject to the provisions of this Act, the Board, upon taking over the tramway and motor-omnibus undertaking of the City Council, shall, notwithstanding any provision to the contrary contained in any Act, have the sole and exclusive right to own, acquire, construct, maintain, manage, and operate tramways, and shall also have the sole and exclusive right to maintain, manage, and operate motor- and horse-omnibus services and any like public-passenger-conveyance services by any vehicle plying or standing for hire for the conveyance of passengers at separate fares within the district :

Board to have sole and exclusive right to construct and operate transport undertaking.

Provided that the Board may from time to time and for such period, not exceeding five years, and subject to such conditions as the Board may impose, grant to any person the right to maintain, manage, and operate motor- or horse-omnibus services or any like public-passenger-conveyance services within the district and require the payment of fees in respect of such right, whether by way of annual fees or otherwise :

And provided also that in the construction and running of any tramways the Board shall obtain and comply with authorizing orders issued or to be issued under the Tramways Act, 1908, as if the Board were a local authority under the said Act.

Particular powers
of Board.

59. The Board may for the purposes of this Act—

- (a) Maintain and work any tramways in, on, through, under, or over any road ; and break up, open, and alter the surface or level of any road :
- (b) Temporarily stop traffic upon any road :
- (c) Place, erect, lay down, work, and maintain in, over, or under any road, and with the consent of the owner or occupier thereof attach to any building any apparatus or thing which in the opinion of the Board may be necessary or expedient in connection with the transmission of electric energy, and may from time to time repair, renew, remove, and replace the same :
- (d) Make openings, ways, and subways in, on, or under any road, with openings and ways into the same :
- (e) Open, break up, and alter the position of sewers, drains, tunnels, gas-pipes, or water-pipes in or under any road ; or with the consent of the Minister concerned raise, lower, alter, or remove any telegraphic, telephone, or electric apparatus, whether under the control of the Minister or not :
- (f) Alter, remove, replace, or relay in any position or situation any existing or future tram system, or any part thereof, or anything connected therewith :
- (g) Extend or vary any future or existing tram system :
- (h) Make, renew, remove, replace, or alter, as to position or otherwise, any junction, siding, station, turntable, or turn-out :
- (i) Purchase or acquire or take under the Public Works Act, 1908, any land or buildings which in the opinion of the Board may be necessary or convenient to be purchased or acquired or taken for any purposes authorized by or under this Act :
- (j) Erect, repair, remove, alter, pull down, or make additions to any power-houses, storage stations, tram-sheds, stables, or buildings, with all proper offices, conveniences, and appurtenances :
- (k) Carry on the business of omnibus-proprietors and carriers of passengers for hire, including services running partly within and partly without the district, and purchase, acquire, and use any vehicles, horses, motors, and things which in the opinion of the Board may be required for the purpose of carrying on such business :
- (l) For the purpose of stimulating or developing traffic, establish or keep and maintain, or assist in establishing, keeping, or maintaining, and rent, let, lease, buy, sell, or grant licenses in respect of public parks, gardens, restaurants, rest-houses, or places of entertainment or amusement, to which passengers may conveniently resort :
- (m) Sell or dispose of any property of the Board which in the opinion of the Board it may be desirable to dispose of, with power to exchange such property for other property of any kind :
- (n) Receive and give effectual receipts or discharges for any gift, devise, legacy, or bequest :

(o) Make by-laws with respect to all or any of the matters following :—

(i) Preventing and removing nuisances on lands, property, and works vested in or under the control and management of the Board, or any part thereof :

(ii) Protecting the property and works of the Board from trespass and injury :

(iii) Preventing smoking or spitting in or upon any car or part of a car belonging to the Board :

(iv) The times for holding meetings, and the summoning and adjournment thereof ; the proceedings and preservation of order in meetings :

(v) The transaction and management of business :

(vi) The duties, discipline, conduct, and regulation of the officers and servants of the Board ; and the punishment of misconduct of such officers and servants :

(vii) The custody and use of the common seal :

(viii) Prescribing forms to be used under and for the purposes of this Act :

(ix) The giving of notices :

(x) The inspection of works :

(xi) Making periodical deductions from the salaries or wages of all officers and servants, so as to provide for sums of money or annuities to be payable to officials or servants on retirement from the service of the Board, or to the widows, children, or nominees of deceased officers or servants, and prescribing the management, control, investment, and distribution by trustees of the moneys so deducted and for the appointment of such trustees :

(xii) Prescribing tolls, fares, or charges which, notwithstanding anything in any other Act contained, may be demanded or taken by the Board from any passenger, or in respect of the carriage of any goods, and providing for the issue of free passes :

(xiii) Regulating the number of passengers that may be carried on any car, and for preventing such number being exceeded, and generally for regulating passenger traffic :

(xiv) Fixing stopping-places and making time-tables showing the times of starting and arrival of cars :

(xv) Generally for carrying into effect the purposes of this Act in respect of any matter not herein provided for, or insufficiently provided for, and as to which the Governor-General in Council by Order in Council permits by-laws to be made.

60. (1) Any Surveyor or Engineer or other officer appointed by the Board may from time to time enter upon any land within or without the district, with such assistance as he thinks fit, for the purpose of making any survey or inspection for the proposed work and undertakings of the Board ; and may fix or set up thereon survey pegs, marks, or poles, and dig or bore into such land so as to ascertain the nature of the soil and set out the lines of any works thereon.

Board may make
survey or
inspection

(2) In all cases notice shall be given to the owner or occupier of the land to be entered upon before such entry is made, and the Surveyor, Engineer, or other officer shall when required to do so produce to the owner or occupier of any land the written authority of the Secretary or Chairman of the Board to make the survey.

(3) In case any damage is done by the Surveyor, Engineer, or other officer in the exercise of the powers hereby conferred upon him the Board shall be liable to make good the same; and the amount thereof shall be ascertained in the mode hereinafter provided as to the assessment of compensation for land taken or affected by the operations of the Board under the provisions hereof.

Board shall be a local authority for purposes of Public Works Act.

61. The Board shall be a local authority for all the purposes of the Public Works Act, 1908; and the undertaking constructed, purchased, or taken over, and all works which the Board is authorized by this Act to undertake, shall be deemed to be public works within the meaning of that Act.

Powers of Board outside district.

62. Nothing in this Act shall prevent the Board from acquiring land outside the district and erecting buildings and works thereon or from erecting and maintaining works outside the district.

Compensation for lands taken or injuriously affected.

63. Every person having any estate or interest in any land taken under the authority of this Act or injuriously affected thereby, or suffering any damage from the exercise of any of the powers hereby given, shall be entitled to full compensation for the same from the Board. Such compensation may be claimed and shall be determined in the manner provided by the Public Works Act, 1908.

Method of making by-laws.

64. (1) By-laws under section fifty-nine hereof shall be made in the manner and subject to the conditions following, that is to say:—

(a) They shall be made by special order:

Provided that in publicly notifying the resolution making such order it shall not be necessary to set forth the whole of the proposed by-law if the object or purport of the same is stated, and if a copy of the proposed by-law is deposited at the office of the Board and is open to the inspection of the public during office hours for at least seven days immediately preceding the meeting at which the said resolution is to be confirmed:

(b) They may be amended before the confirmation of the resolution making the same:

(c) They shall have the common seal of the Board affixed thereto:

(d) They shall come into force on a day to be fixed at the meeting held for the confirmation of the resolution, which day shall not be earlier than seven clear days after the date of that meeting.

(2) A copy of any such by-laws, sealed with the common seal of the Board, shall be received as evidence of the same having been duly made as provided by this Act unless the contrary is proved.

(3) The Board shall cause printed copies of all such by-laws to be kept at the office of the Board and to be sold at a reasonable charge to any person applying for the same.

(4) Any by-laws made by the Board shall where necessary override by-laws made by any local authority relating to matters provided for in this Act.

65. (1) Every person who commits a breach of any by-law made under this Act is liable to a fine of twenty pounds; and where the breach is a continuing one, then to a further fine of five pounds for every day or part of a day during which such breach continues.

Penalties for breach of by-laws.

(2) The Board may after conviction for the continuing breach of any by-law apply to the Supreme Court for an injunction to restrain further continuance of such breach by the person so convicted.

(3) The continued existence in a state contrary to any by-laws of any work or thing shall be deemed a continuing offence within the meaning of this section.

66. (1) The Motor-omnibus Traffic Act, 1926, shall not operate or be in force within the district, but sections five to fourteen inclusive and paragraph (f) of section eighteen of that Act shall, *mutatis mutandis*, apply within the district as if set out herein and as if the Board were the licensing authority for the district, subject always to the express provisions of this Act.

Provisions of Motor-omnibus Traffic Act modified.

(2) Where any person operates any motor-omnibus service which runs partly within and partly without the district under terms and conditions imposed by the Transport Board, the Motor-omnibus Traffic Act, 1926, shall have no application to such service or to the motor-omnibuses or drivers who are employed on that service (as and when they are so employed) in so far as the said services lie outside the district.

(3) The City Council shall as from the date of the coming into operation of this Act cease to be a licensing authority under the said Act, and the Governor-General in Council may by Order in Council appoint some local authority or body to be the licensing authority for the No. 1 District described in the said Act (subject always to the exclusion of the transport district and to the special provisions of this Act) and may similarly make such provision in relation to the said No. 1 District as may be rendered necessary or advisable by the provisions of this Act.

(4) All licenses granted by the No. 1 Licensing Authority under the Motor-omnibus Traffic Act, 1926, for services running within or partly within the district shall continue in force as if this Act had not passed, and all powers and discretions in relation thereto which might have been exercised by the No. 1 Licensing Authority shall be vested in and may be exercised by the Transport Board.

Miscellaneous Provisions.

67. (1) Any contract which if made between private persons must be by deed shall if made by the Board be in writing under the seal of the Board.

Contracts of Board, how made.

(2) Any contract which if made between private persons must be in writing signed by the parties to be charged therewith may if made by the Board be in writing signed on behalf of the Board by some person duly authorized in that behalf.

(3) Any contract which if made between private persons may be made verbally without writing may be similarly made by or on behalf of the Board.

Judge or Magistrate being a ratepayer not thereby interested in proceedings.

68. No Judge, Magistrate, or Justice shall be deemed to be interested in any case in which he is acting judicially solely on the ground that he is a ratepayer.

Service of process on Board.

69. Any summons, writ, or other legal proceedings requiring to be served on the Board may be served by being left at the office of the Board or given personally to the Secretary thereof.

Trustee Act, 1908, to apply.

70. The provisions of section ninety-five of the Trustee Act, 1908, shall, both in respect of trusts heretofore and hereafter created, apply to all bonds, debentures, or other securities issued or to be issued by the Board, and forming the whole or any portion or portions of any loan which may be raised by the Board under the authority of any enactment.

Authorizing payment of certain expenses out of loan-moneys.

71. The Board may out of any loan or other capital moneys pay any expenses incurred by any local authority or individual in connection with and preliminary to the constitution of the Board, including particularly the expenses mentioned in section forty-four hereof.

Penalties for causing damage to undertaking.

72. Every person who damages any portion of the undertaking erected, constructed, or used under this Act shall be liable for the amount of such damage, to be recovered by any person authorized in that behalf by the Board, in any Court of competent jurisdiction, and if such damage is done wilfully shall be liable in addition to a fine not exceeding five hundred pounds.

Fines recoverable summarily.

73. All fines recoverable under the provisions of this Act, or any by-laws or regulations made thereunder, may be recovered in a summary way, and when recovered shall be the property of the Board, subject to the provisions of section eleven hereof and of section thirteen of the Finance Act, 1927 (No. 2).

Notice to be given of intention to commence actions.

74. (1) No action shall be commenced against the Board or any member thereof or other person acting under the authority or in the execution or intended execution or in pursuance of this Act for any alleged irregularity, or trespass, or nuisance, or negligence, or for any act or omission whatever, until the expiry of one month after notice in writing specifying the cause of action, the Court in which the action is intended to be commenced, and the name and residence of the plaintiff and of his solicitor or agent in the matter, has been given by the plaintiff to the defendant.

(2) Every such action shall be commenced within six months next after the cause of action first arose, whether the cause of action is continuing or not.

Regulations.

75. The Governor-General may from time to time by Order in Council make regulations for effectually carrying out any of the provisions of this Act in respect whereof the Board is not by this Act empowered to make by-laws or regulations, and also providing for and regulating any matter in respect whereof any power, authority, or discretion is by this Act conferred on the Governor-General.

City Council may approve Act.

76. (1) Nothing in this Act contained shall have any force or effect, and the polls mentioned in this section shall not be taken unless and until the City Council by resolution approves this Act, and the City Council shall within fourteen days from the passing of this Act hold a special meeting to consider and determine such question.

(2) The City Council shall within forty-two days from the passing of this Act take a poll of the ratepayers of the City of Auckland upon the question as to whether or not this Act shall come into operation.

Polls of ratepayers
to be taken.

(3) The local authorities of the constituent districts other than the City Council shall within forty-two days from the passing of this Act take a poll of their respective ratepayers upon the question as to whether or not this Act shall come into operation.

(4) Such polls shall be taken under the provisions of the Local Elections and Polls Act, 1925, and all the provisions of that Act shall apply accordingly.

(5) The proposal to be submitted to the ratepayers shall be as follows: "That the Auckland Transport Board Act, 1928, shall come into operation."

(6) For the purpose of ascertaining whether such proposal is carried or lost the votes of the ratepayers of all the constituent districts other than the City of Auckland shall be taken together, and for the purposes of this section the polls in the said districts shall be deemed to be one poll.

(7) If at each of the said two polls a majority of the valid votes cast is in favour of the said proposal, then the same shall be deemed to be carried and this Act shall come into operation immediately upon the gazetting of the result of both the said polls.

(8) If at either of the said polls a majority of the valid votes cast is against the proposal, then the same shall be deemed to have been lost and this Act shall not come into operation and (except as to this section) shall have no force or validity whatever.

(9) Should the said proposal be carried, then all the costs and expenses of taking the said polls shall be refunded and paid to the City Council or the local authorities of the constituent districts respectively by the Board on demand.

(10) This section shall come into operation on the passing hereof.