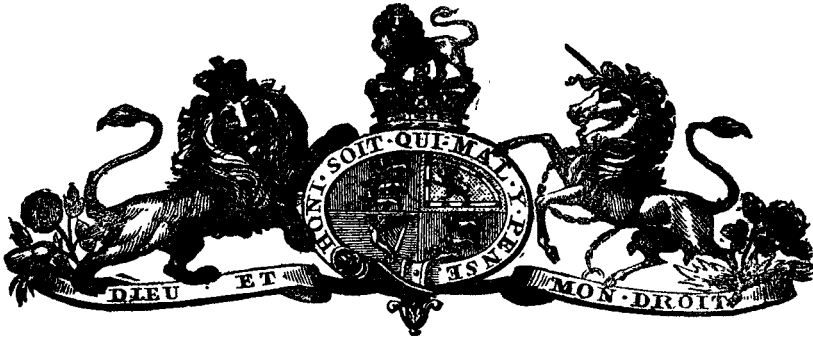


NEW ZEALAND.



QUADRAGESIMO

VICTORIÆ REGINÆ.

No. LXX.

ANALYSIS.

- | | |
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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Disqualification Acts repealed.</p> <p>3. Member of Legislative Council not to be elected to House of Representatives. Member of House of Representatives not to be capable of being summoned to Legislative Council.</p> <p>4. Persons holding offices under Government to be incapable of being summoned to Legislative Council or elected to House of Representatives.</p> <p>5. Who are to be exempt from last preceding section. (1.) Any seven persons holding Ministerial offices, and two Native Ministers. (2.) Speakers and Chairmen of Committees, and persons appointed in pursuance of resolution of either House. (3.) Officers of the Army or Navy. (4.) Militia &c. officers not receiving permanent annual salaries. (5.)</p> | <p>Officers or members of Volunteer corps.</p> <p>(6.) Justices of the Peace acting as Coroners.</p> <p>(7.) Barristers acting as counsel for the Crown.</p> <p>6. Disqualification of members for a period of twelve months after ceasing to be members.</p> <p>7. Disqualification of contractors.</p> <p>8. Exemption of certain contracts.</p> <p>9. Disqualified person elected, election to be void.</p> <p>10. Member becoming disqualified, seat to become vacant.</p> <p>11. Penalty for sitting or voting when disqualified.</p> <p>12. Proceedings for penalty to be taken within twelve months.</p> <p>13. Act not to apply to Native race.</p> <p>14. Member of Civil Service not capable of holding seat in Legislative Council.</p> <p>Schedule.</p> |
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AN ACT for better securing the Freedom and Independence of Parliament. Title.

[31st October, 1876.]

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

1. The Short Title of this Act shall be "The Disqualification Act, 1876." Short Title.

2. The several Acts and parts of Acts mentioned in the Schedule hereto are hereby repealed. Disqualification Acts repealed.

3. A member of the Legislative Council shall not be capable of being elected or of sitting or voting as a member of the House of Representatives; nor shall any member of the House of Representatives, so long as he shall be such member, be capable of being summoned to or of sitting or voting as a member of the Legislative Council. Member of Legislative Council not to be elected to House of Representatives. Member of House of Representatives not to be capable of being summoned to Legislative Council.

Disqualification.

Persons holding offices under Government to be incapable of being summoned to Legislative Council or elected to House of Representatives.

4. No person, except as is hereinafter specially provided, accepting or holding any office, commission, or employment, permanent or temporary, under or from or by or at the appointment or nomination of the Crown, or the Governor of New Zealand by virtue of his office as Governor, or at or by the nomination or appointment of any officer of the Government of the Colony of New Zealand by virtue of his office, to which any salary fees wages allowance emolument or profit of any kind is attached, shall be capable of being summoned to or of holding a seat in the Legislative Council, or of being elected to serve as a member of the House of Representatives, or of sitting or voting as a member either of the said Council or the said House during the time he holds such office occupation or employment.

Who are to be exempt from last preceding section.

5. Nothing contained in the fourth section of this Act shall render incapable of being summoned to the Legislative Council, or of being elected to serve as a member of the said House of Representatives, or shall disqualify to sit or vote in the said Council or House—

Any seven persons holding Ministerial offices, and two Native Ministers.

(1.) Any seven persons, being members of the Executive Council, and holding any one or more of the offices mentioned in the Third Schedule to "The Civil List Act 1863 Amendment Act, 1873," and two other persons being of the Maori race or half-castes, and members of the Executive Council, to whom the salary mentioned in the second part of the Second Schedule to the last-mentioned Act is payable.

Speakers and Chairmen of Committees, and persons appointed in pursuance of resolution of either House.

(2.) The Speaker or Chairman of Committees of the Legislative Council, or the Speaker or Chairman of Committees of the House of Representatives, and any person or persons who may, by or in pursuance of a resolution of either House of the General Assembly naming the person, be appointed as a member of any Commission, or to any office or employment of a temporary nature.

Officers of the Army or Navy.

(3.) Any officer in Her Majesty's Army or Navy as such officer and not otherwise disqualified.

Militia &c. officers not receiving permanent annual salaries.

(4.) Any officer or person temporarily placed on pay for defence purposes, or any officer in the Militia, or any militiaman in the New Zealand Militia (except officers of the said Militia receiving annual or permanent salaries).

Officers or members of Volunteer corps.

(5.) Any officer or member of any Volunteer corps, unless in any such case such person be otherwise disqualified by reason of holding some office or employment other than those mentioned in this section.

Justices of the Peace acting as Coroners.

(6.) Any Justice of the Peace who, by virtue of his office as such Justice, may be required to act as a Coroner.

Barristers acting as counsel for the Crown.

(7.) Any barrister or solicitor of the Supreme Court, or registered medical practitioner, accepting any fees or reward for acting for or on behalf of Her Majesty the Queen, or the Governor or the Government of New Zealand, or any officer of such Government, in any suit action or proceeding, civil or criminal, or as a medical practitioner.

Disqualification of members for a period of twelve months after ceasing to be members.

6. No person being a member of the Legislative Council or of the House of Representatives shall, for a period of twelve months after he ceases to be such member, accept any such office commission or employment as mentioned in the fourth section hereof, and if any person shall commit a breach of this provision he shall forfeit the sum of fifty pounds for every week he shall hold such office commission or employment, with full costs of suit, to any person who shall sue for the same.

But nothing herein contained shall apply to—

(1.) Any of the members of the Executive Council mentioned

Disqualification.

in the fifth section of this Act accepting any of the offices set forth in the Third Schedule to "The Civil List Act 1863 Amendment Act, 1873."

- (2.) The Speaker of the Legislative Council and the Speaker of the House of Representatives.
- (3.) Any person accepting the office of Judge of the Supreme Court, or of Agent-General of the Colony.
- (4.) Any person being a Superintendent of any province or any member of any Provincial Executive Council who shall have been such Superintendent or member of Executive Council during the whole of the present Session of Parliament, and who shall be holding such office at the time of the complete coming into force of "The Abolition of Provinces Act, 1875."

7. Any person who shall, directly or indirectly, himself, or by any person whatsoever in trust for him or for his use or benefit or on his account, do or suffer any of the acts or things hereinafter mentioned :

Disqualification of contractors.

- (1.) Undertake execute hold or enjoy, in the whole or in part, any agreement or contract made or entered into with Her Majesty, or with any officer or department of the General Government, or with any person or persons whatsoever for or on account of the public service of New Zealand, under which agreement or contract any public money is to be paid or waste lands given ;
- (2.) Knowingly and willingly furnish or provide, in pursuance of any such agreement or contract which he or they shall have made or entered into as aforesaid, any goods chattels wares or merchandise to be used or employed in the service of the public,—

shall be incapable of being summoned to or of holding a seat in the Legislative Council, or of being elected to serve as a member of the House of Representatives during the time that he shall execute hold or enjoy any such agreement or contract, or any part or share thereof, or any benefit or emolument arising from the same.

8. Nothing contained in the seventh section of this Act shall be construed to apply or extend to any of the persons or contracts hereinafter mentioned :—

Exemption of certain contracts.

- (1.) Any person on whom, after the passing of this Act, the completion of any contract or agreement shall devolve by descent or limitation or by marriage, or as devisee legatee executor or administrator, until twelve months after he shall have been in possession of the same.
- (2.) Any contract made by any incorporated company in its corporate capacity, and consisting of more than seven persons, where such contract or agreement shall be made entered into or accepted for the general benefit of such company.
- (3.) Any contract for which not more than fifty pounds is to be paid in any one financial year.
- (4.) Any lease license or occupation sale purchase or disposal of any waste lands within the colony, in accordance with the law for the time being in force.
- (5.) Any agreement for any such lease license sale purchase or disposal of such land, or for the occupation thereof, or for any easement therein.
- (6.) Any sale purchase or agreement for taking of land, or of or for any estate interest or easement therein, under any law or statute empowering the Queen or the Governor, or any person on her or his behalf, to take purchase or acquire any

Disqualification.

lands, or any estate interest or easement therein, for any public works, or for any other public purpose whatsoever.

(7.) Contracts for the loan of money, or securities given for the payment of money only.

For the purposes of this enactment the term "waste lands" shall be held to include any lands vested in the Crown in any manner howsoever, and which may be lawfully sold leased alienated or otherwise disposed of under any statute regulations or other authority authorizing the same.

Disqualified person elected, election to be void.

9. If any person hereby disqualified or declared incapable of being elected a member of the House of Representatives is nevertheless elected and returned as a member of the said House, his election and return shall be null and void.

Member becoming disqualified, seat to become vacant.

10. If any member of the Legislative Council or House of Representatives shall by accepting any office, or by reason of his being concerned or interested directly or indirectly in any contract or agreement as mentioned in the seventh section hereof, become disqualified under the foregoing provisions from continuing to sit or vote in the said Council or House, the seat of such member shall thereby be vacated, and if a member of the House of Representatives his election shall thenceforth be void.

Penalty for sitting or voting when disqualified.

11. If any person disqualified or declared incapable of sitting or voting in the Legislative Council or House of Representatives by any of the provisions hereinbefore contained shall knowingly and wilfully presume to sit or vote therein, he shall thereby forfeit the sum of one hundred pounds for each and every day on which he so sits or votes, and such sum may be recovered from him by any person who may sue for the same in any Court of competent jurisdiction in New Zealand.

Proceedings for penalty to be taken within twelve months.

12. No person shall be liable to any forfeiture or penalty inflicted under this Act, unless proceedings shall be taken for the recovery thereof within twelve months after such forfeiture or penalty has been incurred.

Act not to apply to Native race.

13. Nothing in this Act contained, except sections seven and eight, shall apply to any person of the Native race.

Member of Civil Service not capable of holding seat in Legislative Council.

14. No member of the Civil Service of New Zealand shall, whilst he is such member or for the period of six months thereafter, be capable of being summoned to or of holding a seat in the Legislative Council, or of sitting or voting as a member of the said Council.

Schedule.

SCHEDULE.

| Short Title of Act Repealed. | Extent of Repeal. |
|--|-------------------|
| "The Disqualification Act, 1870" | The whole. |
| "The Disqualification Act Amendment Act, 1875" | The whole. |
| "The Disqualification Act Amendment Act, 1876" | The whole. |
| "The Civil List Act 1863 Amendment Act, 1873" | Section seven. |

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