

New Zealand.



ANALYSIS.

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| <p>Title.</p> <p>1. Short Title. Act to be read with "The Education Act, 1877."</p> <p>2. Constitution of Westland and Grey Education Districts as from 14th September, 1885.</p> <p>3. Constitution of Education Boards.</p> <p>4. Boards under this Act to be the same as previously existing.</p> <p>5. Three members to be elected for each Board.</p> <p>6. Elected members to retire biennially.</p> <p>7. Ordinary election to supply vacancies.</p> <p>8. Governor to nominate four members for each Board.</p> <p>9. Two nominated members to retire every second year.</p> | <p>10. Biennial appointment of two members by the Governor.</p> <p>11. Qualification and disqualification of nominated members.</p> <p>12. Members of School Committees now in office deemed duly elected for new districts.</p> <p>13. One School Commissioner to be elected by each Board.</p> <p>14. Property vested in Boards before coming into operation of this Act to vest in Board constituted under this Act.</p> <p>15. Validation of elections of existing Boards.</p> <p>16. Repeal.</p> <p>Schedule.</p> |
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1888, No. 12.

AN ACT to constitute Boards for the Education Districts of Westland and Grey respectively. Title.
[9th August, 1888.]

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 is "The Westland and Grey Education Boards Act, 1888." Short Title.

This Act shall be read and construed with "The Education Act, 1877" (herein referred to as "the said Act"), except in so far as the provisions therein contained are contrary to the provisions hereof; and subject as aforesaid all the provisions of the said Act shall extend and apply accordingly. Act to be read with "The Education Act, 1877."

2. The divisions of the colony described in the Schedule to this Act are hereby constituted, and shall be deemed to have been constituted on the fourteenth day of September, in the year one thousand eight hundred and eighty-five, education districts for the purposes of the said Act, and shall be called by the names set over each such description. Constitution of Westland and Grey Education Districts as from 14th September, 1885.

3. There shall be for each of the Education Districts of Westland and Grey an Education Board, consisting of seven members, four of whom shall be appointed by the Governor and three elected as hereinafter provided. Constitution of Education Boards.

4. The Board constituted under this Act for each of the Education Districts of Westland and Grey shall be deemed for all purposes to be the same Board as that previously constituted for each Boards under this Act to be the same as previously existing.

of the said districts under "The Westland and Grey Education Boards Act, 1885;" and the several members of the Education Boards of Westland and Grey in office at the commencement of this Act, as mentioned in section fifteen hereof, shall continue to hold their offices until the thirty-first day of March, one thousand eight hundred and ninety.

Three members to be elected for each Board.

5. The election of members of each Board shall be conducted as follows:—

- (1.) Between the first and the thirty-first days of January, one thousand eight hundred and ninety, each of the Committees in each district shall transmit to the Board the name of one person qualified to be a member of the Board, his written consent being first obtained, and the Board shall thereupon publicly notify the name of such person, and in such notice shall also state the day on which the election of the Board shall be held, and shall also transmit to each Committee the name of such person.

The day of election shall be some day not later than the fifteenth of March.

- (2.) On or before the last day of February in the same year, the Committee in each district shall send to the Secretary of the Board a list in writing, setting forth the full names of not more than three of the persons whose names have been publicly notified as aforesaid.
- (3.) The Secretary shall carefully keep all such lists, and on the day fixed by the Board shall proceed to ascertain what persons, so nominated, have the greatest number of votes; and the three persons who have the greatest number of votes shall be the elected members of the Board.
- (4.) After it has been ascertained what candidates have by an absolute majority of votes been duly elected, if it shall appear that there is an equality of votes for one or more candidates remaining to complete the number of three elected members, the Board shall decide which of such persons shall be the member or members.
- (5.) If a Committee refuses or neglects to transmit to the Board either of the lists of names hereinbefore required to be transmitted, within the time appointed, the Board shall proceed to the election of members notwithstanding such refusal or neglect.
- (6.) Every election shall be conducted publicly by the Board in such manner as it thinks fit.
- (7.) The Board shall publicly notify the names of the persons who have been found to be elected, and such notification shall be signed by the Chairman of the Board, and shall be final and conclusive for all purposes.

A copy of such notification signed by the Chairman shall be transmitted to the Minister of Education without delay.

- (8.) In the event of three persons not being nominated as herein provided, the Board shall elect such a number of duly-

qualified persons as may be necessary to complete the number of the Board.

The members of the Board so elected shall take office on the thirty-first day of March, one thousand eight hundred and ninety.

6. On the thirty-first day of March, one thousand eight hundred and ninety-two, and on the same day and month in every second year thereafter, the elected members of each Board then in office shall retire.

Elected members to retire biennially.

All retiring elected members shall be eligible for re-election.

7. In the month of March, one thousand eight hundred and ninety-two, and in the same month in every second year thereafter, an election shall be held for the purpose of filling the vacancies caused by the retirement of members as aforesaid.

Ordinary election to supply vacancies.

All the proceedings in and about such election shall be had and taken in the same manner as prescribed in section five upon the first election of Boards.

8. At some time before the thirty-first day of March, one thousand eight hundred and ninety, the Governor shall appoint for each of the Education Boards of Westland and Grey four persons to be members of such Boards respectively (herein referred to as "nominated members"), who shall take office on such last-mentioned day.

Governor to nominate four members for each Board.

9. On the thirty-first day of March, in the year one thousand eight hundred and ninety-two, and on the same day and month in every second year thereafter, two of the nominated members of each Board then in office shall retire.

Two nominated members to retire every second year.

The nominated members to retire in the year one thousand eight hundred and ninety-two shall be determined by each Board by ballot not later than the thirty-first day of December immediately preceding.

In every second year after the year one thousand eight hundred and ninety-two the two nominated members shall retire who have served longest in such Board without reappointment.

All retiring nominated members shall be eligible for reappointment.

10. At some time before the thirty-first day of March, one thousand eight hundred and ninety-two, and before the same day in every second year thereafter, the Governor shall appoint for each of the Education Boards of Westland and Grey two persons to be members of such Boards respectively, who shall take office on such last-mentioned days respectively.

Biennial appointment of two members by the Governor.

11. Sections twenty to twenty-three, both inclusive, of the said Act shall apply in respect of every person nominated or proposed to be nominated as a member of each such Board in the same manner as the said sections apply to persons elected or proposed to be elected as members thereof respectively; and the said sections shall be accordingly read, *mutatis mutandis*, for the purpose of giving effect to the provisions of this section, saving always that any nominated member may resign his seat by letter to the Governor instead of by writing under his hand to the Chairman of the Board, as provided in section twenty-one of the said Act.

Qualification and disqualification of nominated members.

12. The members of the several School Committees for the several districts comprising the districts constituted by this Act in

Members of School Committees now in

office deemed duly elected for new districts.

office at the commencement of this Act shall be and be deemed to have been duly elected, notwithstanding any defect in the mode or time of election, and, until new elections shall be held, shall be deemed to be the several School Committees in the districts constituted by this Act.

One School Commissioner to be elected by each Board.

13. The School Commissioners for the Provincial District of Westland, under "The Education Reserves Act, 1877," and "The Education Reserves Act, 1882," at present in office shall remain in office until the period of the next triennial election of such Commissioners, and at such election and every subsequent triennial election each of the Education Boards of the Education Districts of Westland and Grey respectively shall elect one person to be a School Commissioner for the said provincial district, and shall respectively elect a successor to any such person in case of a vacancy in his office being created.

So much of the last-named Act is repealed as provides in section two thereof that two persons shall be chosen by the Education Board of the Education District of Westland to be School Commissioners in the Provincial District of Westland.

Property vested in Boards before coming into operation of this Act to vest in Board constituted under this Act.

14. All real property which immediately before the coming into operation of "The Westland and Grey Education Boards Act, 1885," was vested in the Board and the Commissioners appointed under "The Westland Education District Subdivision Act, 1884," shall, on the date when the Boards appointed under this Act respectively come into office, be vested in the Board of the district constituted under this Act wherein such property is situate; but the change of ownership hereby created shall not affect any valid lease, charge, or contract now subsisting in respect of any such land, but the same shall vest in the new Board subject thereto in all respects.

In respect of any land affected by "The Westland and Grey Education Boards Act, 1885," or by this Act, which shall be held by any title conferred under "The Land Transfer Act, 1870," or its amendments, or "The Land Transfer Act, 1885," the District Land Registrar of Nelson and the District Land Registrar of Westland respectively shall, upon being satisfied thereof, and subject to the foregoing provisions of this section, enter in the register-book, and upon any instrument presented for that purpose, a note of the change of ownership created by "The Westland and Grey Education Boards Act, 1885," or by this Act, which respectively shall be sufficient authority for that purpose.

Validation of elections of existing Boards.

15. Whereas "The Westland and Grey Education Boards Act Continuance Act, 1887," perpetuated the operation of "The Westland and Grey Education Boards Act, 1885," and an election of members of each of the Education Boards of Westland and Grey has been held in the present year, one thousand eight hundred and eighty-eight, under the erroneous impression that the election power contained in "The Westland and Grey Education Boards Act, 1885," had been renewed and perpetuated: And whereas also nominations to the said several Boards have also been made by the Governor for the present year without authority of law:

And whereas the several persons elected and nominated as aforesaid did respectively come into office as members of the Education

Boards of Westland and Grey on the thirty-first day of March in the now current year; and it is expedient that the aforesaid elections and nominations should respectively be validated, and that the persons so elected and nominated should be confirmed in their respective offices:

Be it therefore further enacted as follows:—

Notwithstanding any want of authority in that behalf, the election of members for the Education Boards of Westland and Grey respectively, held in the month of March of the present year one thousand eight hundred and eighty-eight, and the nominations of members to the said Boards respectively made by the Governor in the same year, are hereby declared to be valid, and shall not be called in question or be set aside by reason of the same having been respectively held or made without sanction of law.

The persons elected or nominated to the said Education Boards of Westland and Grey respectively as aforesaid are hereby declared to be members of the said Boards validly appointed thereto, and to have so been from the thirty-first day of March in the year one thousand eight hundred and eighty-eight.

16. “The Westland Education District Subdivision Act, 1883,” “The Westland Education District Subdivision Act, 1884,” “The Westland and Grey Education Boards Act, 1885,” and “The Westland and Grey Education Boards Act Continuance Act, 1887,” are hereby respectively repealed. Repeal.

SCHEDULE.

Schedule.

EDUCATION DISTRICT OF WESTLAND.

ALL that area in the Colony of New Zealand being the County of Westland and the Boroughs of Hokitika, Kumara, and Ross.

EDUCATION DISTRICT OF GREY.

All that area in the Colony of New Zealand being the County of Grey, and including the Borough of Greymouth.