

COUNTIES ACT 1876 AMENDMENT.

ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Interpretation. 3. Definition of "upon petition." 4. Provisions of 16, 17, and 18 of "Counties Act, 1876," to apply to petitions. 5. When Council empowered to act upon petition; if petition duly presented Governor may act, if Council fails to. 6. When Governor or Council empowered to act on petition, then action may be taken without petition, but same shall not have effect if petition presented against it within three months. 7. Repeal of 5th section of "Counties Act Amendment Act, 1880." 8. Governor in Council may add part of one county on to another on petition of four-fifths of electors of such part and of Council of county to which part added. <p style="text-align: center; margin: 10px 0;">AS TO SUSPENSION OF OPERATION OF "COUNTIES ACT, 1876."</p> <ol style="list-style-type: none"> 9. Governor in Council may proclaim whole of "Counties Act, 1876," not in force in any county. 10. Proclamation to state how property and liabilities disposed of. 11. If Road Boards and Town Boards agree as to distribution Governor to carry out agreement. 12. Effect of Proclamation in vesting property, &c. 13. Upon Proclamation, outlying districts must become road districts, or be added to road districts. 14. Effect of Proclamation as to powers of Council. 15. Effect of Proclamation as to powers of Road Boards and Town Boards. 16. By-laws in force in county at time of Proclamation to continue in force until altered. 17. References to county when Act suspended, &c., how construed. 18. Proclamation may be revoked. Operation of Act revived. 19. Proclamation may vest parts of property, &c., of Road Boards in Councils. 20. When Proclamation issued under 18th section, Governor may fix date of first meeting of Council. 21. Effect of Proclamations under 18th section on powers of Road Boards. 22. Proclamations under either 9th or 18th sections may be issued from time to time. | <ol style="list-style-type: none"> 23. By-laws by Boards made while Act suspended in force when Act revived until repealed. <p style="text-align: center; margin: 10px 0;">AS TO RIDINGS.</p> <ol style="list-style-type: none"> 24. What ridings are hereafter to consist of. 25. Within six months after passing of Act Councils to alter ridings to conform with last section, subject to approval of Governor. 26. If no such special order made, Governor in Council to make alterations. 27. When road districts, &c., altered, ridings also to be altered, if necessary. 28. Provisions of said Act as to alterations of ridings to apply if not inconsistent. 29. Except under sections 25, 26, and 27, alterations of ridings hereafter to be made on petition. 30. Rights of creditors secured by special rates not affected by alterations of ridings hereunder. <p style="text-align: center; margin: 10px 0;">COUNTIES MAY NOT CONTAIN PARTS OF ROAD DISTRICTS OR TOWN DISTRICTS.</p> <ol style="list-style-type: none"> 31. Counties hereafter not to contain only parts of town districts or road districts. <p style="text-align: center; margin: 10px 0;">AS TO SPECIAL ORDERS.</p> <ol style="list-style-type: none"> 32. Repeal of section 80 of said Act. 33. How special order made. 34. As to gazetting of special order. 35. Copy of <i>Gazette</i> evidence of special order. <p style="text-align: center; margin: 10px 0;">AS TO PAYMENT OF PENALTIES COLLECTED IN STAMPS.</p> <ol style="list-style-type: none"> 36. When fines, &c., which should be paid to County Fund collected in stamps, provision for paying over to county fund. <p style="text-align: center; margin: 10px 0;">ROAD AND TOWN BOARD CHAIRMEN TO BE EX OFFICIO COUNCILLORS.</p> <ol style="list-style-type: none"> 37. Where Act suspended, Road and Town Board Chairmen to be the councillors. 38. Special order may be passed providing for Road and Town Board Chairmen being the councillors. 39. Such special order may be revoked, and afterwards again passed. 40. If less than six Road and Town Boards in county, deficiency of councillors to be elected by Road and Town Board members. |
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A BILL INTITULED

Title.	AN ACT to amend "The Counties Act, 1876."	
Short Title.	BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—	
Interpretation.	<p>1. The Short Title of this Act is "The Counties Act 1876 Amendment Act, 1882," and it shall come into operation on the first day of January, one thousand eight hundred and eighty-three, except the <i>twenty-fifth</i> and <i>twenty-sixth</i> sections hereof, which shall come into operation on the passing hereof, and except any other sections for the coming into operation of which a special time is thereby fixed.</p> <p>2. In this Act, if not inconsistent with the context,—</p> <p style="padding-left: 2em;">"The said Act" means "The Counties Act, 1876," and all its amendments, including this Act, unless where special reference is made to a section, when such shall mean "The Counties Act, 1876," only:</p> <p style="padding-left: 2em;">"Road district" means a road district constituted under "The Road Boards Act, 1882":</p> <p style="padding-left: 2em;">"Road Board" means a Road Board constituted under "The Road Boards Act, 1882":</p> <p style="padding-left: 2em;">"Subdivision" means a subdivision of any road district:</p> <p style="padding-left: 2em;">"Town district" means a town district established under "The Town Districts Act, 1881."</p> <p style="padding-left: 2em;">"Town Board" means a Board of Commissioners elected for any town district:</p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p>
Definition of "upon petition."	<p>3. Where the Governor in Council or a Council is empowered by this Act to issue a Proclamation or to make a special order respectively "upon petition," it shall mean that such power may not be exercised unless,—</p> <p>(1.) A petition asking for the issue of such Proclamation, or the making of such special order, is presented to the Governor, or to the Council, as the case may be, signed by at least three-fifths of the county electors of the county if the object of such Proclamation affects the whole county, or by at least three-fifths of the county electors of such riding</p>	<p>25</p> <p>30</p>

or ridings as may be affected by such proposed Proclamation or special order if the same will only affect one or more riding or ridings :

(2.) The purport and object of such petition, and a statement of the intention to present it, is publicly notified at least one month before presentation to the Governor, or County Council, as the case may be.

4. The provisions of sections sixteen, seventeen, and eighteen of the said Act shall apply to all petitions presented under this Act.

Provisions of 16, 17, and 18 of "Counties Act, 1876," to apply to petitions.

5. When a Council is empowered or directed to make any special order upon petition, and a petition is duly presented to such Council praying that a special order such as may be made under this Act shall be made, then if, for *three* months after the presentation of such petition, such Council shall refuse or neglect to make such special order on any ground other than that the special order prayed for is not one which can lawfully be made under this Act, or that the provisions of the said Act as to petitions have not been complied with as regards such petitions, then and in such case the Governor in Council, on being satisfied that a petition such as is required by this Act has been duly presented to the Council, and that the special order prayed for may be lawfully made, shall make such special order; and the same, when gazetted, shall have the same force and effect as if made by the Council.

Where Council empowered to act upon petition; if petition duly presented Governor may act if Council fails to.

6. When the Governor in Council or a Council is empowered by the said Act to issue a Proclamation or to make a special order respectively "upon petition," then and in such case, notwithstanding that no such petition has been presented, the Governor in Council may issue such Proclamation or the Council may make such special order :

Where Governor or Council empowered to act on petition, then action may be taken without petition, but same shall not have effect if petition presented against it within three months.

Provided, nevertheless that such a Proclamation or special order shall not have any force or effect, until *three* months after the same has been gazetted, and not at the expiration of such period either if within the said period of *three* months a petition shall have been presented to the Governor, or to the Council, as the case may be, signed by at least three-fifths of the county electors praying that such Proclamation or special order shall not come into force.

7. The fifth section of "The Counties Act Amendment Act, 1880," is hereby repealed.

Repeal of 5th section of "Counties Act Amendment Act, 1880."

8. Notwithstanding anything in the said Act contained, the Governor in Council may, by Proclamation, alter the boundaries of any counties, by adding a part of one county on to another, and declare that, from and after a day to be named in such Proclamation, the new boundaries set forth in such Proclamation shall be the boundaries of such counties, subject, however, to the conditions following :—

Governor in Council may add part of one county on to another on petition of four-fifths of electors of such part and of Council of county to which part added.

(1.) That a petition is presented to the Governor, signed by at least four-fifths of the county electors whose names appear on the electors' roll of the county in respect of rateable property situate within the portion of the county which it is proposed to add on to the other county, praying him to make such alteration ;

(2.) That, prior to such Proclamation being issued, a petition shall also be presented to the Governor by the Council of the county to which it is proposed to add the portion of the other county described in the last-mentioned petition, praying him to make such alteration.

All the provisions of the said Act relating to alterations of boundaries of counties and to petitions, not being inconsistent with this section, shall apply to an alteration made under this section.

AS TO SUSPENSION OF OPERATION OF "THE COUNTIES ACT, 1876."

Governor in Council may proclaim whole of "Counties Act, 1876," not in force in any county.

9. The Governor in Council may at any time, upon petition, 5
by Proclamation, declare that the whole of the said Act shall no longer be in force in any county named in such Proclamation from and after a day to be named therein.

Proclamation to state how property and liabilities disposed of.

10. Such Proclamation shall state specifically how the property, 10
both real and personal, and also any uncollected rates, belonging to the county, if any, shall be distributed among the various Road Boards and Town Boards in the county, and how and in what manner the liabilities, if any, of the county shall be discharged by the various Road Boards and Town Boards in the county.

If Road Boards and Town Boards agree as to distribution Governor to carry out agreement.

11. In any case where the various Road Boards and Town Boards 15
in the county can agree upon the matters referred to in the *last preceding* section hereof, the Governor in Council, in such Proclamation, shall, as far as possible, give effect to such agreement.

Effect of Proclamation in vesting property, &c.

12. The directions contained in such Proclamation as to the 20
matters referred to in the *tenth* section hereof shall have the effect of absolutely vesting in the Road Boards or Town Boards mentioned therein, both at law and in equity, the property or rates disposed of in the proportions or manner therein set forth, and also of imposing upon the Road Boards or Town Boards therein mentioned the liabilities thereby imposed in the proportions therein set forth as fully and 25
effectually as if such Boards had themselves lawfully incurred such liabilities.

Upon Proclamation, outlying districts must become road districts, or be added to road districts.

13. If in any county in respect of which such Proclamation has 30
been issued there is an outlying district, then and in such case, unless within *three* months from the issue of such Proclamation such outlying district is either formed into one or more new road districts, or added to one or more existing road districts, in accordance with the provisions of "The Road Boards Act, 1882," then and in such case the Governor in Council shall, by Proclamation, declare that such outlying district 35
shall either become a new road district or road districts, or that it shall be made part of some existing road district, or that the various portions of such outlying district shall form part of more than one existing road district.

Effect of Proclamation as to powers of Council.

14. If such a Proclamation be issued, then after the same comes 40
into force none of the provisions of the said Act mentioned in the Third Schedule thereto, nor of any of the amendments of the said Act, shall have force in such county, and the Council thereof shall not thereafter transact any business except for the purposes in the thirtieth, fifty-fourth, fifty-sixth, and sixty-eighth sections of the 45
said Act mentioned.

Effect of Proclamation as to powers of Road Boards and Town Boards.

15. Upon such a Proclamation being issued, the various Road 50
Boards and Town Boards in the county referred to therein shall have and may exercise all the powers, and perform the functions vested in, and shall discharge the duties imposed upon the Council, within their respective districts, unless otherwise provided by this Act or any other Act now or hereafter to be passed.

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16. All by-laws or regulations in force within any county at the time of any such Proclamation shall continue in force in each road district including any new road districts constituted under the *thirteenth* section hereof, and in each town district in the county, until altered or repealed, as regards any road district, in the manner provided by "The Road Boards Act, 1882"; and as regards any town district, in the manner provided by "The Town District Act, 1881."

By-laws in force in county at time of Proclamation to continue in force until altered.

17. Wherever in this or any Act now or hereafter to be passed reference is made to a county in which the said Act has been suspended, or is not in operation therein, or is not in force therein, or by other words of similar purport, such reference shall be construed to be a reference to a county such as is referred to in the eleventh section of the said Act, or to one of the counties mentioned in the Second Schedule to the said Act, unless a resolution of the General Assembly such as specified in the sixth section of the said Act has been passed respecting the same, or to a county respecting which such a Proclamation as is hereinbefore provided for has been issued.

References to county when Act suspended, &c., how construed.

18. In any county in respect of which such a Proclamation as is hereinbefore referred to has been issued, the Governor in Council may upon petition revoke such Proclamation and issue another Proclamation reviving the operation of the said Act in the said county.

Proclamation may be revoked. Operation of Act revived.

19. Such a Proclamation as referred to in the *last preceding* section may, in like manner as mentioned in section *ten* hereof, *mutatis mutandis*, vest in the Council such portions of the property and uncollected rates, if any, of the Road Boards and Town Boards in the county, and impose upon the Council such portions of their liabilities as he shall therein define, and the provisions of section *twelve* hereof shall, *mutatis mutandis*, apply to such Proclamation.

Proclamation may vest parts of property, &c., of Road Boards in Councils.

20. Upon a Proclamation being issued under the *eighteenth* section hereof, the Governor may also fix a day for the next meeting of the Council.

When Proclamation issued under 18th section, Governor may fix date of first meeting of Council.

21. Upon a Proclamation being issued under the *eighteenth* section hereof, the Road Boards in the county affected by such Proclamation shall thereupon cease to have or exercise or perform the powers, duties, and functions vested in them by the *fifteenth* section hereof.

Effect of Proclamations under 18th section on powers of Road Boards.

22. Proclamations under either the *ninth* or the *eighteenth* section hereof may from time to time be issued, as often as occasion shall require, subject to the provisions of this Act.

Proclamations under either 9th or 18th sections may be issued from time to time.

23. All by-laws or regulations made by any Road Board or Town Board, under the powers acquired by it by virtue of a Proclamation having been issued under the *ninth* section hereof in respect of the county in which the district of such Road Board or Town Board is situate, shall, after the issue of a Proclamation under the *eighteenth* section hereof in respect of such county, thereafter continue in force until altered or repealed by the Council of such county.

By-laws by Boards made while Act suspended in force when Act revived until repealed.

AS TO RIDINGS.

24. All ridings shall hereafter consist of one or more road districts, or one or more subdivisions, or of one or more town districts, and either together with or without one or more road districts, or one or more subdivisions, or of outlying districts, or parts of outlying districts.

What ridings are hereafter to consist of.

Within six months after passing of Act Councils to alter ridings to conform with last section, subject to approval of Governor.

25. Within six months after the passing of this Act, the Council of every county in which the boundaries of the ridings, or of any of them, do not already conform to the provisions of the *last* preceding section shall by special order so alter the whole or such number of their ridings as may be necessary to conform thereto:

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Provided that such special order shall be of no force or effect until approved by the Governor; and that, if the Governor is of opinion that the alterations so proposed do not on the whole allow of a fair distribution of the members of the Council among the county electors of the county, then he shall be entitled to, and shall, withhold his assent therefrom.

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If no such special order made, Governor in Council to make alterations.

26. If no such special order is made by any Council within the said six months, or if the Governor withholds his assent therefrom, then the Governor in Council may, by order published in the *Gazette*, make such alterations as are referred to in the *last preceding* section hereof.

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When road districts, &c., altered, ridings also to be altered, if necessary.

27. If the boundaries of any road district or subdivision be altered, or if any new road district be constituted, or if any road district be merged in a county, or if any town district be formed or its boundaries altered, thus causing any one or more of the ridings of the county to be not in conformity with the provisions of section *twenty-four* hereof; then and in such case the Council shall, within three months from the happening of one or other of such events, pass a special order altering the ridings accordingly, and the provisions of sections *twenty-five* and *twenty-six* shall, *mutatis mutandis*, apply thereto.

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Provisions of said Act as to alterations of ridings to apply if not inconsistent.

28. All the provisions of the said Act relating to the alterations of ridings, not being inconsistent with this Act, shall apply to alterations made under this Act.

Except under sections 25, 26, and 27, alterations of ridings hereafter to be made on petition.

29. Except as regards alterations of ridings made under sections *twenty-five*, *twenty-six*, and *twenty-seven* hereof, no alterations of ridings shall hereafter be made unless upon petition:

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Provided that alterations may hereafter be made by the Governor in Council upon petition in counties where the said Act is suspended.

Rights of creditors secured by special rates not affected by alterations of ridings hereunder.

30. Nothing in this Act shall in any way affect the rights or interests of any creditor of any county or of the Council thereof, if such creditor be secured by a special rate on the rateable property in any riding from which a part has been taken, to form a new riding or to add to an existing riding, or shall relieve the county electors for the time being in the area comprised in any such first-mentioned riding from their liability to pay any special rate made under the provisions of any Act now or hereafter to be passed as a security for any loan.

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COUNTIES MAY NOT CONTAIN PARTS OF ROAD DISTRICTS OR TOWN DISTRICTS.

Counties hereafter not to contain only parts of town districts or road districts.

31. No new county or alteration of the boundaries of any county shall hereafter be capable of being constituted or made whereby such county shall be made to contain only parts of any road district or parts of any town district.

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AS TO SPECIAL ORDERS.

32. Section eighty of the said Act is hereby repealed.

Repeal of section 80 of said Act.

5 33. When anything is by the said Act required to be done by special order, it shall be done by the passing of a resolution, which shall be publicly notified once during each of the four weeks immediately preceding the meeting at which such resolution is to be proposed, and which meeting may be either a special or an ordinary meeting.

How special order made.

10 Special notice of such proposed resolution shall also be sent to each Councillor at least fourteen days before the day fixed for the meeting at which the resolution is to be proposed.

15 34. Upon the making of any special order made by any Council under the said Act a copy of the same, with a certificate signed by the Clerk or Chairman, to the effect that the same has been duly made, shall be sent to the Colonial Secretary, and shall be by him immediately gazetted, and shall only take effect from the date of such gazetting, or from some day after the gazetting specified in such special order, except when otherwise directed by this Act.

As to gazetting of special order.

20 35. The production of a copy of the *Gazette* containing such special order shall, until the contrary be proved, be conclusive evidence in all Courts, and for all purposes whatsoever, of the same having been duly made in accordance with this Act.

Copy of *Gazette* evidence of special order.

AS TO PAYMENT OF PENALTIES COLLECTED IN STAMPS.

25 36. Whenever any fines or penalties which ought to be paid over to the county fund under section one hundred and three of the said Act are by law required to be paid in stamps, and have been so paid, the Clerk of the Court, or such officer as specified in the said section one hundred and three, shall certify to the Colonial Treasurer the amount of same, that they have been so paid, and the name of the Council entitled to receive the same; and thereupon the Colonial Treasurer, without the necessity of any appropriation by Parliament, shall pay the same out of the Consolidated Fund over to the county fund of the said county.

When fines, &c., which should be paid to county fund collected in stamps, provision for paying over to county fund.

ROAD AND TOWN BOARD CHAIRMEN MAY BE EX OFFICIO COUNCILLORS.

40 37. Whenever a Proclamation has been issued under the *ninth* section hereof, and has come into force, the councillors of the county respecting which such Proclamation has been issued shall thereupon, unless they are holding office under the *next* section hereof, cease to hold office as such; and the Chairmen of the Road Boards and Town Boards, the districts of which are within such county, shall, notwithstanding the provisions of the said Act as to elections, number of councillors, and ridings, be councillors of the said county; and if their number is six, or more than six, shall form the Council of the county, and shall continue to be so even after a Proclamation under the *eighteenth* section hereof has been issued, until a special order declaring that elections shall in future be held under "The Regulation of Local Elections Act, 1876," as is authorized to be made by section *thirty-nine* hereof, has been made.

Where Act suspended, Road and Town Board Chairmen to be the councillors.

Special order may be passed providing for Road and Town Board Chairmen being the councillors.

38. In any county which is wholly divided into road districts and town districts, or wholly into road districts, the Council of such county may pass a special order upon petition to the effect that the Chairmen of the Road Boards and Town Boards, the districts of which are situate within such county, shall be councillors of the county; then and in such case the members of the Council in office at the time of such special order coming into force shall cease to hold office; and thereafter, notwithstanding the provisions of the said Act as to elections, number of councillors, and ridings, until such special order be revoked, the Chairmen for the time being of the said Road Boards and Town Boards shall be councillors of the said county, and if their number be six or more shall form the Council of the county.

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Such special order may be revoked and afterwards again passed.

39. Such special order may be at any time revoked by another special order made upon petition, which special order shall fix a date for the election of councillors by the county electors under the said Act, which councillors, so elected, shall then hold office until the next general election; and thereafter another special order may be at any time again made upon petition, and again revoked, and so on from time to time.

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In any county respecting which a Proclamation under the eighteenth section hereof has been issued, the Council may at any time by special order made upon petition, declare that elections shall in future be held under "The Regulation of Local Elections Act, 1876," and such special order shall fix a date for the election of councillors accordingly, which councillors so elected shall then hold office until the next general election.

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If less than six Road and Town Boards in county, deficiency of councillors to be elected by Road and Town Board members.

40. If, in any county, the Chairmen of the Road Boards and Town Boards the districts of which are in such county are by virtue of either the thirty-seventh or thirty-eight sections hereof councillors of the county, there shall in the whole be less than six road districts or town districts, then the number of councillors shall be made up to six by the election of such one or more members of the said Road Boards or Town Boards as may be necessary to make up the number to six.

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How such election conducted.

41. Such election as referred to in the last preceding section shall be held and conducted on such day and in such manner as the Road Boards and Town Boards who are to elect shall agree upon, or, failing such agreement, as the Governor in Council shall by regulations which he is hereby empowered to make, and which may be either general or applicable to any particular election or to any particular county or counties, prescribe:

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Provided, nevertheless, that each Road Board and Town Board shall only exercise one vote for each vacancy.

AS TO COUNTY RATES.

Repeal of sections 107 to 111 of said Act.

42. Sections one hundred and seven to one hundred and eleven of the said Act, both inclusive, are hereby repealed as from and after the thirty-first day of March, one thousand eight hundred and eighty-three, and all the sections of this Act from forty-two to fifty-five, both inclusive, shall come into force on the said thirty-first day of March.

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43. The Council of every county may, from time to time, as it thinks fit, make and levy general rates on all rateable property within its county for carrying into effect the general purposes of the said Act; but the total amount of such rates made for any one year shall not exceed three farthings in the pound on the rateable value, in counties in which there are either road districts or town districts, or six farthings in the pound if there are no road districts or town districts in the county.

Power of Council to levy general rates.

44. The Council of any county may from time to time, either in lieu of or in addition to any general rate made under the last preceding section hereof, as they see fit, make and levy rates, to be called "separate rates," equally upon all rateable property within every or any riding of such county, and so that the "separate rates," to be levied in each riding may vary from those in other ridings.

Power of Council to levy separate rates.

45. No separate rates made in any one year shall, together with the general rates levied under section forty-three hereof, exceed in any riding which is also a road district or town district the amount of three farthings in the pound, or in any riding which is not a road district or town district the amount of six farthings in the pound.

Limit of separate rates.

46. So much of every separate rate made and levied within any riding as may in the opinion of the Council be necessary to defray the expense of making and levying such separate rate, and of the supervision and clerical work necessary in connection with the expenditure of the remainder of such separate rate as hereinafter directed, including therein a reasonable proportion of the salaries of officers who are employed generally in the business of the Council but whose services are utilized in the making or levying of such rate or in connection with its expenditure, shall form part of the ordinary revenue of the body corporate of the county, to be applied in such manner as such ordinary revenue may be applied, and the remainder of such separate rate shall be wholly expended in the riding within which the same shall be levied and raised.

Separate rates, how applied.

47. When it appears to the Council that there is any particular work which the Council is authorized to execute which will benefit the whole county, but the cost of which cannot conveniently be defrayed out of the general or separate rates, the Council may, in like manner, for defraying the expenses incurred in executing such work, by special order, make and levy a special works rate on all rateable property within the county; but the total amount of all such special works rates made for any one year in the county shall not exceed three farthings in the pound; and they shall be made subject to the following condition, namely,—

Power of levying special works rates over whole county.

Before making such rate, the Council shall cause an estimate to be prepared of the cost of the proposed work, and the amount of the rate proposed to be levied, and shall give thirty days' public notice thereof.

48. Where it appears to any Council that any work which the Council is authorized to execute is for the special benefit of any particular portion of the county, the Council may in like manner, for defraying the expenses incurred in executing such work, by special order distinctly defining such portion, make and levy a special works rate on all property within the portion so defined, subject to the same limitations and conditions as in the last preceding section mentioned,

Power of levying special works rate over part of county.

save that the public notice shall in such case contain a description of the portion of the county in which the rate is proposed to be levied.

Special works rates only made upon petition.
Special works rate, how applied.

49. No such special order as in the *two last* preceding sections mentioned shall be made unless upon petition.

50. The Council shall apply so much of the moneys received from any such special works rate as may in the opinion of the Council be necessary to defray the expense of making and levying such special works rate and of the supervision and clerical work necessary in connection with the expenditure of the remainder of such special works rate, as hereinafter directed, including therein a reasonable proportion of the salaries of officers employed generally in the business of the Council but whose services are utilized in the making or levying of such rate, or in connection with its expenditure, in such manner as the ordinary revenue of the body corporate may be expended, and the remainder of such special works rate shall be applied towards the expense of the works for the execution of which it was levied.

Power of Council to levy special rate under said Act not affected.

51. Nothing herein contained shall be deemed to prejudice or affect the powers of the Council to levy a special rate conferred by the one hundred and twelfth, one hundred and thirteenth, and one hundred and fourteenth sections of the said Act.

County may employ Board's collector to collect county rates.

52. The Council may employ any person employed by the Board of any road district or town district situate within the county in collecting rates levied by any such Board to collect all or any rates levied by the Council.

Council may, by special order, delegate to Board power of levying rates in its district.

53. The Council may, by special order, delegate to the Board any road district or town district in the county all or any of the powers hereby conferred upon the Council of making and levying rates within the district of such Board, subject to such conditions or stipulations as to payment of the expense of such making and levying, and also as to the expenditure of the moneys received from such rates, as may be agreed upon between the Council and the Board.

Effect of such special order.

54. Upon a special order being made under the *last* preceding section, the Board mentioned therein shall have and may exercise all and singular the powers hereby, or by any other Act, conferred upon and vested in the Council, of making and levying such rates as are referred to in such special order, subject to such special conditions as are referred to therein.

Where "Rating Act, 1882," not in force, three farthings to mean one shilling, &c.

55. The expressions "three farthings" and "six farthings," wherever contained in sections *forty-three*, *forty-five*, and *forty-seven*, shall, with reference to any county in which "The Rating Act, 1882," is not in force, and to the Council thereof, be read as if they had been *one shilling* and *two shillings* respectively.

AS TO BY-LAWS.

Repeal of section 177, 178, and 179 of said Act.
By-laws, how made.

56. Sections one hundred and seventy-seven, one hundred and seventy-eight, and one hundred and seventy-nine are hereby repealed.

57. By-laws made under the second and third subsections of the one hundred and eighty-third section of the said Act shall be made by an ordinary resolution of the Council, but all other by-laws which the Council is empowered to make shall be made only in the manner and subject to the conditions following:—

(1.) They shall be made only by special order, provided that, in publicly notifying the resolution as before provided, it shall not be necessary to set forth the whole of the proposed by-law, if the object or purport of the same be stated, and if a copy of the proposed by-law be deposited at the office of the Council, or at some other place in the county which shall be specified in the notification, and be open to the inspection of all the ratepayers of the county during office-hours for at least *thirty* days immediately preceding the meeting.

(2.) They shall have the common seal of the body corporate affixed thereto.

(3.) They shall come into operation upon their being gazetted, or upon some day after such gazetting to be named in the special order passing them.

58. A Council may either make by-laws for its own county, or it may join with any one or more Councils, or with the Councils of one or more boroughs, or with one or more County Councils, and the Councils of one or more boroughs, in making by-laws which shall be in force throughout all the counties and boroughs, the Councils of which make such by-laws :

Power of joining with other bodies to make by-laws.

Provided that this power of joining with a Borough Council or Borough Councils shall only be exercisable as regards subjects on which Councils of counties and of boroughs have similar powers of making by-laws.

59. When two or more Councils, whether of counties or of boroughs, agree to make joint by-laws as above-mentioned, they may do so either by holding separate meetings of each Council and passing similar special orders, or by meeting together either by one or more delegates from each Council, in which case, however, the voting shall be by the delegates of each Council, or the majority of them, exercising one vote on behalf of the Council they represent.

How made in such case.

60. A copy of the *Gazette* containing any by-law shall be received in all Courts as evidence of the same having been duly made as by this Act provided, unless the contrary is proved.

Gazette, with by-laws, evidence of cause.

61. In addition to the subjects on which any Council is empowered to make by-laws by the said Act or any other Act, the Council of any county may from time to time make, alter, or repeal by-laws to provide for the licensing and numbering of all vehicles plying for hire for the carriage of passengers or of goods within the county, and to prevent unlicensed vehicles so plying; and

Additional subjects on which Council may make by-laws.

(1.) To provide for the inspection of all public vehicles, and to prevent the use of such as are unsafe or insufficient;

(2.) For regulating the number of passengers, and the quantity and weight of goods which may be carried in each such vehicle, either with regard to the construction and dimensions thereof, or to the number of horses required to draw the same, and to prevent such number, quantity, or weight being exceeded;

(3.) For regulating the manner in which the number of each vehicle, or the number of passengers, or the quantity or weight of goods it is licensed to carry, or the scale of fares for the use thereof, shall be shown upon or in the same;

- (4.) To prescribe whether and how the name of the owner of any such vehicle shall be shown thereon ;
- (5.) To prescribe the lights to be carried by every vehicle, public or private, within the county, and their position on the vehicle ;
- (6.) For appointing the several sums to be paid to the county fund for the licensing of vehicles, as herein mentioned ;
- (7.) For regulating the width of the tires of wheels which shall be used by all vehicles, whether plying for hire or not, within the county :

Provided that, in making by-laws on the subjects mentioned in the first six subsections of this section, the Council shall make separate by-laws in order to affect vehicles plying for hire in other counties, or in boroughs, as well as in the county the Council of which makes such by-laws ; and that such by-laws may be disallowed by the Governor, by notice in the *Gazette*, at any time within six months after they have been passed :

Provided further that, as regards such vehicles as mentioned in the last preceding proviso, only one fee for the licensing of the same shall be paid, the amount of which shall be fixed by the Governor by notice in the *Gazette*, and shall be payable and recoverable as a debt due to the Crown ; and after receipt thereof shall be apportioned among the counties and boroughs in which the vehicle in respect of which the same is paid plies for hire, in such manner as the Governor shall, by notice in the *Gazette*, direct.

Upon receipt of such licensing fee, fixed according to the last preceding proviso hereof, the Colonial Treasurer shall without further appropriation pay the same over to the various counties or boroughs entitled thereto, in such proportions as have been fixed under the last preceding proviso.

Repeal of portion of 20th section of "Slaughterhouses Act, 1877."

62. The following words at the end of the twentieth section of "The Slaughterhouses Act, 1877," are hereby repealed, to wit: "But no such by-law or regulation shall have any force or effect until the same shall have been approved by the Governor and shall have been publicly notified."

MISAPPROPRIATION OF FUNDS.

Remedy of rate-payers for mis-appropriation of funds.

63. If the Auditor shall report that any moneys have been unlawfully paid away by the Council, or that any liability incurred by the Council has been unlawfully incurred, any county elector of any riding in the county may in any Court of competent jurisdiction sue the councillors who consented to such payment or the incurring of such liability, and either jointly or severally, for the amount of such payment or liability, and may recover judgment for the same if it has been so unlawfully paid or incurred, together with a penalty of not exceeding *one hundred pounds*, and all costs of the proceedings.

The amount of such penalty and the costs, when recovered, shall be retained by such county elector for his own use ; and the other moneys included in the judgment shall, when received by him, be paid into the County Fund.

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In any action under this section the onus of proof that the defendants did not consent to the making of such payment, or the incurring of such liability, shall lie upon the defendants.

MISCELLANEOUS.

- 5 **64.** The word "five" shall be substituted for the word "ten" wherever it occurs in section one hundred and four of the said Act. Amendment of section 104 of said Act.
- 65.** Notwithstanding section one hundred of the said Act, the Chairman of a county may act as Treasurer or Clerk of the county, if so resolved by the Council thereof, and may receive such salary or Amendment of section 100 of said Act.
- 10 **66.** The references in this Act made to "The Rating Act, 1882," and "The Road Boards Act, 1882," shall be construed to apply to the Acts which shall be passed with those titles, notwithstanding that they, or either of them, may not be passed or become law until after this References to "Rating Act, 1882," and "Road Boards Act, 1882," how construed.
- 15 **67.** An Ordinance of the Superintendent and Provincial Council of the Province of Canterbury intituled "The Width of Tires Ordinance, 1875," Session XLII., No. 23, is hereby repealed. Repeal of "Canterbury Width of Tires Ordinance, 1875."

By Authority: GEORGE DIDSBUY, Government Printer, Wellington.—1882.