

Mr. Fowlds.

CYCLE BOARDS.

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A BILL INTITULED

AN ACT to provide for the Laying-down and Maintenance of Permanent Tracks or Improved Roads for the convenience of Cyclists.

5 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 Cycle Boards Act, 1900." Short Title.
- 2. In this Act, if not inconsistent with the context— Interpretation.

10 "Cyclist" shall mean and include the owner of any bicycle, tricycle, quadricycle, or motor cycle:

"Cycle" shall mean and include bicycles, tricycles, quadricycles, and motor cycles:

15 "Cycle dealer" shall mean and include a person who carries on the trade of a manufacturer or vendor and repairer of cycles, and cycle requisites:

20 "Local body" shall mean and include City Council, Borough Council, Road Board, Town Board, County Council, Domain Board, or any other body having jurisdiction over any of the roads or public domains or parks within a cycle district.

“ Board ” means a Cycle Board appointed for a cycle district constituted under this Act :

“ District ” means a cycle district constituted under this Act.

“ This Act ” includes by-laws made under this Act.

Colony to be divided into cycle districts.

3. The divisions of the colony described in the *First* Schedule hereto are hereby constituted cycle districts for the purposes of this Act, and shall, when this Act shall come into force in such district, be called by the names set over such description. 5

Application of Act.

4. This Act shall come into force in any of the said cycle districts upon the receipt by the Governor of a petition, signed by cyclists residing in any such district, praying that this Act be put in force in such district, and upon the proclamation by the Governor in the *New Zealand Gazette* of the presentation of such petition, and of the fact that this Act will in future be put in operation within such district: 10 15

Provided, however, that notice of the intention to present such petition to the Governor shall have first been advertised in two newspapers circulating throughout the said district for a period of four weeks before the presentation of such petition, and that the Governor shall not have received before the date of such proclamation as aforesaid a counter-petition, signed by at least half the number of cyclists that signed the original petition. 20

Constitution of Board.

5. For every district constituted under this Act there shall be a District Board of Administration, to consist of seven members who are cyclists, namely: Four members to be elected by cyclists residing in the district, and three members to be nominated by the Governor in Council, except as hereinafter is provided in the case of the first Board. 25

The said members shall (except as hereinafter provided in the case of the first meeting) be elected on the \_\_\_\_\_ day of \_\_\_\_\_ in each year, and shall come into office on the \_\_\_\_\_ day of \_\_\_\_\_ ensuing next after their election. 30

Returning Officer.

6. There shall be a Returning Officer for every district, who shall be appointed by the Board, and shall hold office until the removal by such body or until he resigns, becomes incapable, or dies, in any of which events the Board shall appoint a Returning Officer in his stead. 35

Substitute.

7. Every election (except the first as hereinafter provided) shall be held by the Returning Officer; but, if he is unable from any cause to fulfil the duties of his office at any election, he shall by writing under his hand appoint a substitute, who shall for all purposes in respect of such election be deemed to be the Returning Officer. 40

Returning Officer to make declaration.

8. Every Returning Officer and every substitute for a Returning Officer shall, before entering on the duties of his office, make and sign before a Justice of the Peace the declaration set out in the *Second* Schedule. 45

Roll of electors.

9. The roll to be used for and during the election of the Board, or any member thereof, shall be a copy of the register containing the names, addresses, and occupations of those who have paid their tax and registration fees; and the qualification entitling any one to vote at the election of the Board, or any member thereof, shall be the fact of his having paid the amount of tax or registration-fee due by him, 50

and (if demanded by the Returning Officer) the possession of the Board's receipt for the amount of tax or registration fee so paid by him. The Chairman or Secretary of the Board shall, at least seven days before any election held under this Act, deliver such roll to the

5 Returning Officer and take his receipt for it.

10. Sections ten to fifty-eight of "The Regulation of Local Elections Act," 1876," and all amendments thereof, shall, *mutatis mutandis*, be deemed to be included herein; and all elections under this Act shall be conducted as nearly as may be on the same lines and

"Regulation of Local Elections Act, 1876," to apply.

10 under and in conformity with the same rules and regulations as now govern elections conducted under the said Act or any amendments thereof or regulations thereunder:

15 Provided that the following shall be the questions which the Returning Officer is authorised to put to any person tendering himself as a voter, in lieu of those referred to in section thirty of the said Act:—

(1.) Are you the person whose name appears as *A.B.* in the roll now in force for this [*naming the district*] cycle district?

20 (2.) Have you already voted at the present election in this [*naming the district*] district?

and such person shall be required to answer the first question in the affirmative and the second in the negative, otherwise he will not be entitled to vote at the election in respect of which he has tendered himself.

25 11. If any member of the Board dies, resigns, becomes bankrupt, or is imprisoned, his seat on the Board shall thereupon become vacant, and the Governor may, by Proclamation in the *Gazette*, fill the place of such member for the unexpired period of the current year; or, failing such election by the Governor within one month from the

Extraordinary vacancies.

30 happening of any of the aforesaid events, the Board may appoint some other person to act in the place of such member whose seat has become vacant as aforesaid for the unexpired period of the year during which such member would have held office had his seat not become vacant.

35 12. Members shall hold office for one year or until their successors come into office.

Duration of office.

40 13. The Governor shall appoint, by proclamation in the *Gazette*, all the members of the first Board, and the day of the first election by ballot of every Board, and the time and place of the first meeting of the Board, which shall be deemed to come into office at such meeting, and shall nominate some member of the Board to preside at such meeting.

Governor to appoint first Board.

45 14. At the first meeting of the Board in the second and every subsequent year after this Act comes into force in any district, the Board shall elect one of their number to be Chairman, who shall hold office until the coming into office of the Board then next to be elected. In the event of the death or retirement of such Chairman during the currency of any year, it shall be lawful for the Board to elect one of their number to act as Chairman during the remainder of

Chairman.

50 that year.

15. On the                      day in the month of                      in the year one thousand nine hundred and one, and thereafter on the same day in every

Annual meeting.

year, the Board shall hold its annual meeting, and at such meeting the members of the Board for the previous year shall go out of office but shall be eligible for re-election, and the members then recently elected shall come into office, and shall there and then elect one of their number to be Chairman, who shall come into office on his election, and hold office until his successor is elected. 5

Board & corporate body.

16. Every Board shall be a body corporate by the name of "The [*naming the district*] Cycle Board," and shall have perpetual succession and a common seal, and shall be capable in law to hold real and personal property, and do and suffer all things which bodies corporate may do or suffer. 10

Board to control fund.

17. The Board shall have the control of the distribution of the money to be derived from the tax or registration fee hereinafter referred to, or of any other moneys or property which it may acquire by gift or otherwise howsoever, and may apply such moneys or property for the purposes contemplated by this Act in such manner as they may from time to time think expedient. 15

Cycle Board's Fund.

18. All moneys arising from any of the sources aforesaid shall be paid into such bank as the Board may from time to time determine, to an account to be called "The Cycle Board's Fund," and shall only be paid thereout by cheques signed by the Treasurer and countersigned by any two members of the Board authorised by the Board from time to time to sign cheques. 20

Meetings of Board.

19. The Chairman or any two members of the Board may, by giving seven days' notice by prepaid letter addressed to each member of the Board at his last known place of abode or business, and posted at any post-office within the district, convene a meeting of the Board. 25

Quorum.

20. All acts, matters, and things authorised to be done by the Board, or which are within the scope of the Board's authority, may be done and performed by any of the four members thereof at a duly convened meeting. 30

Minutes.

21. The Board shall cause to be kept minutes of its proceedings in a book, in which shall be entered the names of the members attending each meeting, and every resolution, order, or other proceeding or proceedings of the Board; and the minutes and proceedings of every meeting shall be read at the next meeting, except in the case of the last meeting of a Board during its year of office, in which case they shall be read at the same meeting; and if approved by the Board, or when amended as directed by the Board, shall be signed by the Chairman of such succeeding meeting and of such last meeting as aforesaid respectively. The minutes of the said proceedings, kept as hereinbefore provided, shall be read as evidence of such proceedings; and the validity of all such proceedings shall be presumed unless the contrary is proved. 35 40

Regulations.

22. The Board may from time to time make, alter, and repeal regulations— 45

- (1.) To regulate or vary the time and place of its meetings;
- (2.) For the conduct of its meetings, proceedings, and business;
- (3.) To regulate the duties, duration, and conditions of service, and the salaries or other remuneration of officers and servants of the Board; 50

(4.) For the payment of rewards or bonuses to any one who may in the opinion of the Board be entitled to remuneration for assisting the Board or its officers in carrying out the provisions of this Act, or any regulations or by-laws framed hereunder, or by virtue thereof;

(5.) To settle or vary the financial year of the Board.

23. No member of the Board shall hold any office of profit under the Board.

Member of Board  
not to hold office  
of profit.

Accounts to be kept.

24. The Board shall cause books to be provided and kept, and true and regular accounts to be entered therein of all sums of money received and paid under the authority of this Act, and of the several purposes for which such sums of money shall have been received and paid. Such books shall at all reasonable times be open to the inspection of any member of the Board, who may take copies or extracts from the same, and any person having the custody of the said books who does not, on the reasonable demand of any member of the Board, permit him to inspect or take copies of or extracts from the same shall for every such offence be liable to a penalty not exceeding pounds.

25. The accounts of the Board shall be subject to the audit of the Controller and Auditor-General at such times and in such manner as he may deem expedient.

Audit.

26. The Board shall, before the end of the week after each financial year, cause the accounts of the Board for the past year, up to and including the last day of the Board's financial year, to be balanced, and also a full and true statement and account of all assets and profits belonging to, and of all moneys received and expended by the Board during the past year, and also of all debts owing by and to the Board; and such statement and account, signed by the Chairman and Treasurer of the Board, shall be submitted by such Chairman to the Controller and Auditor-General.

Balance-sheet.

27. Upon this Act coming into force in any of such districts, every person owning a cycle shall be liable to and shall pay a tax of *five* shillings per annum for each cycle owned by him, and such tax shall be a charge upon the cycle until paid: Provided, however, that *bond fide* cycle dealers shall only be liable to pay the tax in respect of the actual number of cycles used by them for their personal use, and for the purposes of hiring:

Registration fee.

Provided also that any Board may, by resolution passed at a special meeting called for that purpose, decide that the amount of tax to be paid for the district in which such Board is situated shall be any sum less than *five* shillings; and thereafter, until altered in a similar manner, such sum shall be the amount of tax due and payable in such district, and all the provisions in this Act shall apply in respect of such reduced tax as in the case of the tax of *five* shillings hereinbefore mentioned.

28. The Board shall cause a proper register to be kept in which shall be entered in the numerical order of their enrolment, the names, addresses, and occupations of all cyclists who shall have paid such tax and registered their names, addresses, and occupations as hereinafter provided; and the absence of any entry in such register showing that a cyclist has paid his tax shall be *prima facie* evidence in any Court of law that such cyclist has not paid such tax, and generally of all such other matters as are therein contained and stated.

Cycle register.

- Cyclist to register.** 29. Every cyclist shall register his name, address, and occupation with the Board, and pay the amount of tax due by him within one month after this Act comes into force in the district within which he resides.
- Registered number.** 30. Upon payment of the amount of his tax, every cyclist shall be allotted his number for the year in respect of which he has paid his tax, and he shall cause such number to be attached to or painted, inscribed, or displayed in some conspicuous part of his cycle, and shall, when so required by any one producing the authority of the Board in that behalf, submit his cycle for inspection, so that such number may be verified.
- Board may distrain.** 31. If any person shall fail to pay the amount of tax due by him within one month from the time when it becomes due, such amount may be recovered by the Board in any Court of competent jurisdiction as a debt due by such person to the Board, or the Board may seize and distrain upon the cycle in respect of which such tax remains unpaid, and sell the same by public auction, and pay itself the amount of such tax, and all reasonable expenses of and incidental to such distress and sale, out of the proceeds, and shall hand the balance (if any) to the person entitled thereto.
- Proportionate fee.** 32. In the event of any person acquiring a cycle on which tax has not been paid during the currency of the financial year of the Board, he shall be liable to pay tax for the balance of such year in the following manner and proportion :—
- (1.) The full amount of the annual tax levied in the district which he resides, if he should acquire such cycle during the first six months of such year ; or
  - (2.) One - half the amount of such annual tax, should he acquire such cycle during the second six months of such year.
- Purchaser to have benefit of registration.** 33. In the event of any person purchasing a cycle in respect of which a number has been issued and tax paid during the current year of such number, he shall be entitled to the benefit of the unexpired portion of such tax, and shall within one month from the date of such purchase register his name, address, and occupation as hereinbefore provided in the case of cycles owned by persons at the date of the coming into force of this Act in any cycle district, and shall pay the Board a fee of *one* shilling for so doing.
- Application of funds.** 34. The Board, with the consent of the local body, may apply any of the moneys in its hands from time to time in and towards the laying down of cycle-tracks on the roads or elsewhere, or in and towards improving the roads within their district, and in and towards the maintenance thereof generally ; and also, without such consent, in and towards the acquiring by lease or purchase, or otherwise howsoever, of any real or personal property which in the opinion of the Board should be acquired for the benefit of cyclists for improving curves, reducing gradients, shortening distances, or otherwise howsoever ; and in the laying down of tracks thereon, and the maintenance thereof ; and may sell, lease, mortgage, or otherwise dispose of such real and personal property.
- Power to borrow.** 35. For all or any of the purposes aforesaid the Board may from time to time borrow money on the security of its income and other

assets (if any). And for the purposes of this Act sections forty-five to seventy-five inclusive of "The Local Bodies' Loans Act, 1886," shall, *mutatis mutandis*, be deemed to be included in this Act; and the provisions of the said Act generally, where necessary to facilitate working and effect the purposes of this Act, shall be deemed to be included herein.

36. For all or any of the purposes of this Act the Board shall have full power and authority to enter into agreements and make contracts of any description with persons, companies, corporations, or any local body, or with any person, for doing anything which the Board may be authorised to do or which is necessary for carrying out the purposes of this Act. Any contract which, if made between private persons,—

Contracts.

Firstly, must be in writing under seal ;

15 Secondly, must be in writing, signed by the parties thereto ;

Thirdly, may be made verbally without writing,—

when made by the Board,—

In the first case shall be in writing under the seal of the Board ;

20 In the second case, shall be signed by two members of the Board on behalf of and by direction of such Board ;

In the third case, may be made verbally without writing, by the Board, or any two members thereof on behalf of and by direction of such Board.

25 All such contracts may be varied and discharged in the same manner respectively.

37. No contract the amount whereof exceeds ten pounds shall, except of urgent necessity, be made except after public tender, of which not less than three days' public notice shall have been given, such notice to be published twice in a newspaper circulating within the district ; but the Board shall not be obliged to accept the lowest or any tender.

Contract over £10 to be tendered for.

38. The Board may compound with any person or body for such sum of money or other recompense as it may think fit in respect of the breach of any contract or penalty incurred thereunder, or of any debt or money due to the Board, whether under the provisions of this Act or otherwise, and whether before or after any action or suit brought for the recovery of the same.

Power to compromise.

39. Power is hereby given to any local body,—

40 (1.) To set apart such portion of any road or footpath within its district as it may consider expedient for the exclusive use of cyclists ; and

Power of Local Bodies over roads.

45 (2.) To enter into agreements with the Board as to the laying down of cycle-tracks, or the improvement of the roadway, and the manner and proportions in which the expenses thereby incurred shall be met ;

(3.) To make such payments in respect of the laying down of such tracks, or the improvement of such roads, and the maintenance thereof respectively, as to such local body may seem expedient ;

50 (4.) To make such by-laws and provide such penalties as may be necessary for the regulation of the traffic on such cycle-

- tracks or improved roads, and to insure to cyclists the exclusive use of such cycle-tracks or improved roads;
- (5.) To delegate to the Board all or any of the powers mentioned in the *last preceding* subclause hereof.
- Rule of the road. 40. Every person shall keep any vehicle of which he is in charge, or the animal attached thereto which is being driven by him, or any cycle or horse ridden by him, on the left or near side of the road when meeting, and on the right or off side of a cycle, cyclist, horse, or horseman when passing a cyclist, cycle, horse, or horseman, and shall leave a reasonable portion of the road for any vehicle, cycle, cyclist, horse, or horseman passing or overtaking him. 5  
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- Rule as to cycle-tracks. 41. In the case of a cyclist or cyclists riding on a cycle-track laid down under the guidance or authority of the Board, and used exclusively for cycle traffic, the *preceding* section shall apply to him or them as if such cycle-track were the whole road; and if such track shall be less than four feet in width, the cyclist desiring to overtake another cyclist who is in front of him must leave the track in order to do so, and, in the case of two cyclists meeting, the cyclist who shall have the boundary of the cycling track furthest from the centre of the road on his right hand side shall leave the track. 15  
20
- Penalties. 42. Any person who (1) commits a breach of any of the provisions of this Act, or (2), not being a cyclist within the meaning of this Act, signs any petition or counter-petition in connection with any of the purposes of this Act, or (3) uses or has attached to, or painted or otherwise inscribed or displayed on, any cycle a number other than that allotted to such cycle for the then current year, shall be liable to a penalty not exceeding *five* pounds. 25

## SCHEDULES.

### Schedules.

#### FIRST SCHEDULE.

##### AUCKLAND CYCLE DISTRICT.

ALL that piece or parcel of land called or known as the Auckland Provincial District.

##### HAWKE'S BAY CYCLE DISTRICT.

All that piece or parcel of land called or known as the Hawke's Bay Provincial District.

##### TARANAKI CYCLE DISTRICT.

All that piece or parcel of land called or known as the Taranaki Provincial District.

##### WELLINGTON CYCLE DISTRICT.

All that piece or parcel of land called or known as the Wellington Provincial District.

##### NELSON CYCLE DISTRICT.

All that piece or parcel of land called or known as the Nelson Provincial District.

##### MARLBOROUGH CYCLE DISTRICT.

All that piece or parcel of land called or known as the Marlborough Provincial District.

##### WESTLAND CYCLE DISTRICT.

All that piece or parcel of land called or known as the Westland Provincial District.



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CANTERBURY CYCLE DISTRICT.

All that piece or parcel of land called or known as the Canterbury Provincial District.

OTAGO CYCLE DISTRICT.

All that piece or parcel of land called or known as the Otago Provincial District.

SOUTHLAND CYCLE DISTRICT.

All that piece or parcel of land called or known as the Southland Provincial District.

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SECOND SCHEDULE.

DECLARATION BY THE RETURNING OFFICER.

I, A.B., do solemnly declare that I will faithfully and impartially, according to the best of my skill and judgment, exercise and perform all the powers and duties reposed in or required of me by "The Cycle Boards Act, 1900," or any other Act or portion of an Act incorporated therein, as Returning Officer for the Cycle District: And I solemnly promise that I will not, directly or indirectly, disclose any fact coming to my knowledge at any election which I am required by the said Act or otherwise not to disclose.

Declared at                    this                    day of                    19                    , in the presence of—  
C.D.

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By Authority: JOHN MACKAY, Government Printer.—1900.