

Disqualification.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Commencement of Act.</p> <p>3. "The Disqualification Act 1858" repealed.</p> <p>4. Member of Legislative Council not to be elected to House of Representatives.</p> <p>5. Persons holding offices under Government to be incapable of being summoned to Legislative Council or elected to House of Representatives.</p>	<p>6. Members of Executive excepted. Secretary for Crown Lands excepted.</p> <p>7. Militia &c. officers not receiving permanent annual salaries excepted.</p> <p>8. Speakers and Chairmen of Committees not disqualified.</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>
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A BILL INTITULED

AN ACT for better securing the Freedom and Independence of Parliament. Title.

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 1870." Short Title.

2. This Act shall commence and come into operation from and after the termination of this present Parliament by dissolution or otherwise. Commencement of Act.

3. "The Disqualification Act 1858" so far as the same relates to elections of members to serve in the House of Representatives and to persons elected to serve as members of the said House shall on the coming into operation of this Act be repealed. "The Disqualification Act 1858" repealed.

4. 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. Member of Legislative Council not to be elected to House of Representatives.

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

6. Nothing in the last section shall render incapable of being summoned to the said Council or of being elected to serve as a member of the said House or disqualify to sit or vote in the said Council or House any person being a member of the Executive Council of the Colony or any person being a member of the said Executive Council. Members of Executive excepted.

and holding any of the following offices that is to say of Colonial Secretary Colonial Treasurer Commissioner of Customs Postmaster-General or any person being a member of the said Executive Council and a Responsible Minister of the Crown in New Zealand holding any office other than those of Colonial Secretary Colonial Treasurer Commissioner of Customs or Postmaster-General to which he has been or may hereafter be appointed by the Governor Provided also that nothing in the last section contained shall render incapable of being summoned to the Legislative Council or disqualify to sit or vote therein the person for the time being holding the office of Secretary for Crown Lands whether he at the same time holds any other offices or places of profit such as are specified in the said last section or not. 5 10

Secretary for Crown Lands excepted.

Militia &c. officers not receiving permanent annual salaries excepted.

7. Nothing in the said fifth section contained 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 officer in Her Majesty's Army or Navy or 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) or 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. 15 20

Speakers and Chairmen of Committees not disqualified.

8. Nothing in the fifth section of this Act contained shall be construed to apply to the Speaker or Chairman of Committees of the Legislative Council or the Speaker or Chairman of Committees of the House of Representatives. 25

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. 30

Member becoming disqualified seat to become vacant.

10. If any member of the Legislative Council or House of Representatives shall by accepting any office 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. 35

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 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. 40