

9-25

Hon. Major Atkinson.

ROAD BOARDS ACT 1882 AMENDMENT.

ANALYSIS.

Title.	7. Further powers as to altering boundaries of road districts.
1. Short Title.	8. On failure to carry out award apportioning assets and liabilities between districts, Receiver may be appointed to effect the same. (1.) Powers as to rates to vest in Receiver. (2.) Rates to vest in Receiver. (3.) Receiver to give security. (4.) Application of money by Receiver. (5.) When Receiver's powers to cease.
2. Amendments of principal Act. (1.) Disqualifications. (2.) June substituted for May.	
3. Elections and annual meetings of ratepayers and Boards to be in June.	
4. Retirement of members.	
5. Provision in case of failure of election.	
6. Revocation of resolutions of Board.	

A BILL INTITULED

AN ACT to amend "The Road Boards Act, 1882."

Title.

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

5

1. The Short Title of this Act is "The Road Boards Act 1882 Amendment Act, 1883." Short Title.

2. "The Road Boards Act, 1882" (herein referred to as "the said Act") is hereby amended as follows:— Amendments of principal Act.

10 (1.) Section twenty-nine thereof is amended by the omission of all the words of the fourth subsection after the word "Board" in the said subsection. Disqualifications.

15 (2.) Sections thirty-one, thirty-two, thirty-three, forty-six, and sixty-four respectively of the said Act shall read as if the words "third week in June" had originally been inserted therein, instead of the words "first week in May" wherever these occur. June substituted for May.

20 3. All elections of members of Road Boards, and the annual meeting of ratepayers, and the annual meeting of the Road Boards, shall respectively occur in the third week in June, instead of in the first week in May. Elections and annual meetings of ratepayers and Boards to be in June.

All members of Road Boards in office who should retire from office previous to the annual election in the month of May next shall continue in office until their successors are elected at the election to occur in the month of June next under the provisions of this section.

25 4. Sections thirty-two and thirty-three of the said Act are repealed, and the following substituted therefor:— Retirement of members.

30 One-half of the members of every Board elected at a general election shall go out of office at the expiration of twelve months, and the remaining members, elected as aforesaid, shall go out of office at the expiration of two years after such general election.

The order in which the said members shall vacate their offices shall be determined, at the first meeting of the Board after such general election, by lot, to be carried out in such manner as the Board directs.

Where any Board consists of an odd number of members, the half to retire in the first instance shall be the half of the even number next below such odd number. 5

An annual election shall be held in the third week of June in each year intervening between the years appointed for general elections, at which new members of the Board shall be elected to supply vacancies created under this section, and such new members shall hold office until the period for the retirement of the whole Board, and no longer. 10

Provision in case of failure of election.

5. Section thirty-seven of the said Act is repealed, and the following substituted therefor:—

On failure, from any cause whatever, to elect a member or members of a Road Board at any election, any vacancy remaining unfilled shall be deemed to be an extraordinary vacancy occurring on the day appointed for such election; and the provisions of section forty-six of "The Regulation of Local Elections Act, 1876," shall operate as to supplying such vacancy. 15

evocation of resolutions of Board.

6. Section seventy-three of the said Act is repealed, and the following substituted therefor:— 20

Any resolution of a meeting of the Board may be revoked or altered at a subsequent meeting by the vote of the members present at such subsequent meeting, or of a majority of them. 25

Provided that notice of such subsequent meeting, and of the proposal to revoke or alter such resolution, shall be given to each member of the Board *seven* days at least before such subsequent meeting.

Further powers as to altering boundaries of road districts.

7. The Council of any county, if it think fit, under the authority of section nine of the said Act, may alter the boundaries of road districts on petition presented to the Council, setting forth the boundaries of the proposed new district, signed by two-thirds of the ratepayers of the portion of the district proposed to be annexed to a separate district, and of the ratepayers of such separate district: Provided that such petition is publicly notified not less than *one* month before presentation to the Council. 30 35

On failure to carry out award apportioning assets and liabilities between districts, Receiver may be appointed to effect the same.

8. Wherever under the provisions of any Act an alteration is made in any road or other district, and thereupon an agreement has been made or an award has been given apportioning the assets and liabilities of such districts respectively between any road district and any other road district, or town district, or county, or borough (hereinafter included in the term "local body,") and the Council or Board of such road district or other local body fail, neglect, or refuse to carry out such agreement or award in part or in whole, and notwithstanding that any such award may have been put in execution, any unsatisfied creditor of any local body the Council or Board whereof so fails, neglects, or refuses as aforesaid may apply to a Judge of the Supreme Court by petition in a summary way for relief under this Act: And the Judge may, if satisfied of the truth of the matters alleged in such petition, appoint a Receiver of all moneys belonging to such local body until such agreement or award is carried out; and in every such case— 40 45 50

1171

- 5 (1.) The Receiver shall have all the powers of a duly constituted Council or Board of any local body in respect of the making, levying, and recovery of rates, both general and special, including also the power of recovering rates in arrear, and of making, levying, and recovering rates which ought to have been made and levied and were not so levied; and the neglect or omission to elect members of such Council or Board shall not affect the powers of such Receiver :
- 10 (2.) All the rates within the district of the local body that are specified in the order of the Judge in that behalf shall, from the date of such order, vest in the Receiver, and shall cease to be vested in the Council or Board :
- 15 (3.) Every such Receiver shall, before entering on his office, give such security for the faithful discharge of the duties thereof as the Judge directs :
- (4.) All moneys received by the Receiver shall be applied only under the order of a Judge of the Supreme Court, as follows :—
- 20 (a.) In payment of the expenses of the application and order ;
- (b.) In payment of such remuneration to the Receiver, and of such expenses of his office, as the Judge directs ;
- 25 (c.) In the payment of all moneys agreed or awarded to be paid by the Council or Board in respect of which the Receiver is appointed ;
- (d.) The residue, after payment of the above, in payment into such bank as the Judge directs, to the credit of the Council or Board aforesaid ; and the Receiver shall account for all such moneys as the Judge directs :
- 30 (5.) When the agreement or award aforesaid in respect of which the Receiver was appointed has been fully carried into effect, or at any time by an order of a Judge of the Supreme Court upon the application of the Council or Board, the powers of the Receiver shall cease and shall re-vest in the Council or Board.

Powers as to rates to vest in Receiver.

Rates to vest in Receiver.

Receiver to give security.

Application of money by Receiver.

When Receiver's powers to cease.