

*This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and having this day passed as now printed is transmitted to the LEGISLATIVE COUNCIL for its concurrence.*

*House of Representatives,  
30th August, 1883.*

AS AMENDED BY THE LEGISLATIVE COUNCIL.

*Hon. Major Atkinson.*

ROAD BOARDS ACT 1882 AMENDMENT.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Amendments of principal Act. Disqualifications.</p> <p>3. Retirement of members.</p> <p>4. Provision in case of failure of election.</p> <p>5. Revocation of resolutions of Board.</p> <p>6. When Chairman absent, member may be elected to preside.</p>	<p>7. Further powers as to altering boundaries of road districts.</p> <p>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.</p>
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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.
- 10 2. "The Road Boards Act, 1882" (herein referred to as "the said Act") is hereby amended as follows:— Amendments of principal Act.
- 10 Section twenty-nine thereof is amended by the omission of Disqualifications.
  - all the words of the fourth subsection after the word "Board" in the said subsection.
- 15 3. Sections *thirty-one*, thirty-two, and thirty-three of the said Act Retirement of members.
  - are repealed, and the following substituted therefor:—
  - 15 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.
  - 20 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.
  - 25 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.

An annual election shall be held in the first week in May 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.

Provision in case of failure of election.

4. 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.

Revocation of resolutions of Board.

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 Section seventy-three of the said Act is repealed, and the following substituted therefor:—

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.

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.

When Chairman absent, member may be elected to preside.

6. Whenever at any annual meeting of ratepayers the Chairman of the Board is not present, the members of the Board present at such meeting may elect one of their number to preside thereat.

The member so elected shall have all the powers of the Chairman.

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 an adjoining district, and by two-thirds of the ratepayers of such adjoining district: Provided that such petition is publicly notified not less than one month before presentation to the Council.

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—

Powers as to rates to vest in Receiver.

(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

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arrears, 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:

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- (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: Rates to vest in Receiver.
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- (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: Receiver to give security.
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- (4.) All moneys received by the Receiver shall be applied only under the order of a Judge of the Supreme Court, as follows:— Application of money by Receiver.
- (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;
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- (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:
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- (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. When Receiver's powers to cease.
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