

1956/112

THE MUNICIPAL CORPORATIONS REGULATIONS 1956

C. W. M. NORRIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 18th day of July 1956

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Municipal Corporations Act 1954, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. (1) These regulations may be cited as the Municipal Corporations Regulations 1956.

(2) These regulations shall come into force on the seventh day after the date of their notification in the *Gazette*.

2. In these regulations, unless the context otherwise requires,—

“The said Act” means the Municipal Corporations Act 1954:

“Council” means the Council of a borough or town district, as the case may be:

“District” means a borough or town district, as the case may be.

PART I—ENROLMENT OF ELECTORS

3. The district electors list, to be compiled on or before the 31st day of July in every year in which a general election of the Council is to be held, as provided by section 29 of the said Act, shall be in form 1 in the First Schedule hereto, and shall contain the particulars specified therein. In stating the qualification of an elector for the purposes of the said form, it shall be sufficient in the case of a freehold qualification, rating qualification, or residential qualification to insert the word “freehold,” “rating,” or “residential” respectively, or any distinctive abbreviation of that word.

4. The names of electors entered on the district electors list shall be numbered consecutively in alphabetical order of surnames.

5. Every claim for enrolment shall be in form 2 in the First Schedule hereto, or to the like effect, and the claimant's signature shall be attested by a Justice of the Peace, or a Postmaster, or a minister of religion, or a solicitor, or an elector of the district, or the Town Clerk, or the Returning Officer, or a person authorised by the Town Clerk to take the declaration.

6. It shall be the duty of the Council to keep at the Town Clerk's office a supply of blank printed forms of claim for enrolment for the free use of claimants.

7. Subject to the proviso to subsection (3) of section 29 of the said Act, names appearing on the district electors roll for any year shall be continued on the next succeeding district electors list, except in the case of persons who are known to the Town Clerk to have died or to have lost their qualification. The Town Clerk shall send by post to every person whose name is omitted as having lost his qualification a written notice addressed to him at his last place of residence known to the Town Clerk, and informing him of the fact of that omission.

8. The Town Clerk shall keep the district electors list in his office, and allow it to be inspected without fee by all persons interested therein during office hours from the 1st until the 7th day of August of the year in which the list is compiled; and he shall, on or within twenty-one days before the said 1st day of August, publicly notify that the said list is or will be ready for inspection as aforesaid.

9. All objections under section 32 of the said Act shall be in writing under the hand of the objector, in form 3 in the First Schedule hereto, and must be addressed to the Town Clerk and be delivered at his office on or before the 15th day of August in the year in which the list is compiled.

10. The Town Clerk shall make and sign a list of all such objections in form 4 in the First Schedule hereto, and shall keep that list in his office, and allow it to be inspected without fee by any person interested therein during office hours from the 16th to the 20th day of August.

11. In every supplementary district electors list to be made pursuant to subsection (2) of section 35 of the said Act, the names of electors shall be entered therein in alphabetical order of surnames, and shall be numbered consecutively, commencing with the number next following the last number in the district electors list, or in the last previous supplementary list, as the case may be.

12. Appeals to a Magistrate under section 34 of the said Act against the district electors list or roll or a supplementary district electors list or roll may be made as follows:

- (a) An objection in writing under the hand of the person objecting and in form 3 in the First Schedule hereto, or as near thereto as may be, shall be lodged by that person with the Registrar of the Magistrate's Court nearest to the public office of the Council:

- (b) The objection shall be so lodged not later than the day on which the district electors roll is closed for the purposes of any election or poll:
- (c) Not later than the day next after the objection is so lodged the person objecting shall sign and deliver a copy of the objection to the Town Clerk:
- (d) The Magistrate shall appoint a convenient place and time, being not later than three days after the objection is lodged for the hearing and determining thereof, and notice of the place and time so appointed shall be given by the Registrar of the Court to the Council and to the appellant not later than the day next preceding the day appointed for hearing:
- (e) A notice of place and time of hearing may be sent by post, but if so sent shall be posted so as to reach its address in the ordinary course of post not later than the day next preceding the day appointed for hearing, and the notice to the appellant if so sent shall be sufficient if addressed to him at the address set out in the objection.

13. For the purpose of an election to fill any extraordinary vacancy in the office of Mayor or Councillor or for the purposes of any poll supplementary district electors lists and rolls shall be prepared in the manner prescribed by the said Act and regulation 11 hereof.

14. The district electors roll and all its supplements shall be kept open for public inspection at the office of the Town Clerk during office hours without fee.

15. The roll of electors required under section 36 of the said Act may be prepared—

- (a) By preparing a separate roll for the purpose; or
- (b) By striking out from an official copy of the district electors roll and of every supplementary district electors roll in force within the district, on the twenty-ninth day previous to the taking of the poll, the name of every person whose name appears on any of those rolls and is not entitled to vote at the poll; or
- (c) By indicating by appropriate words, abbreviations, or marks on an official copy of the district electors roll and of every supplementary district electors roll in force in the district, on the twenty-ninth day previous to the taking of the poll, the name of every person whose name appears on any of those rolls and who is entitled to vote at the poll,—

and, in any case to which paragraph (b) or paragraph (c) of this regulation applies, no other alterations shall be made in any such roll after that day until after the taking of the poll.

16. Where the district electors list for any district or for any ward of a divided borough is not, from any cause whatever, made out, completed, and authenticated so as to become the district electors roll on the 1st day of October, or within any extension of time allowed under section 407 of the said Act, the district electors roll for that district or ward in force on the 30th day of September shall remain in force until another district electors roll comes into force for the same district or ward.

17. (1) As soon as practicable after the original district electors roll or any supplementary district electors roll or any roll under section 36 of the said Act comes into force, copies thereof shall be printed by the Council:

Provided that any such roll may, instead of being printed, be type-written or mimeographed, or prepared by any other convenient method available for the multiplication of clear and legible copies.

(2) The Town Clerk shall supply any person with a copy of the district electors roll, together with all its supplements, on payment of such amount, not exceeding 5s., as the Council from time to time decides.

18. The Town Clerk commits an offence and is liable on summary conviction to a fine not exceeding £5, where he refuses, or wilfully neglects, or unreasonably delays—

- (a) To place on the district electors list the name of any person who makes and delivers or transmits to him at his office a claim for enrolment in the form provided by regulation 5 hereof; or
- (b) Faithfully and promptly to perform any other duty imposed on him by this Part of these regulations.

19. If the Council fails or unreasonably delays to keep at the Town Clerk's office a supply of blank printed forms of claims for enrolment for the free use of claimants, as provided by regulation 6 hereof, or faithfully and promptly to perform any other duty imposed on it by these regulations, every person (whether the Town Clerk or any member of the Council) who is party to or responsible for the failure or delay commits an offence and is liable on summary conviction to a fine not exceeding £5.

20. When a borough is first divided, or is redivided, into wards, the Town Clerk shall prepare a separate district electors roll for each ward, or for each ward affected by the redivision; and the Town Clerk shall forthwith make up from the district electors roll or rolls in force a new district electors roll for each such ward, and shall place on the roll of each such ward the name of each elector who appears from the existing district electors roll to be entitled to vote therein.

21. The Town Clerk shall also in like manner make new district electors rolls for any ward or wards of a divided borough affected by any creation, abolition, or division of wards, or alteration in their boundaries.

22. Whenever any area is included in a district, the Town Clerk shall forthwith make a new district electors roll from the district electors roll in force in the district or any ward of a divided borough affected and the roll of electors in force in that area, and place thereon the name of every person whose name appears on any such roll and who possesses the necessary qualification entitling him to be enrolled as an elector of the district or ward, as the case may be.

23. Whenever any area is excluded from a district the Town Clerk shall forthwith remove from the district electors roll or rolls in force in the district or, in the case of a divided borough, any ward thereof the name of every person whose name appears on the roll or rolls as possessing a qualification entitling him to be entered thereon only in respect of the area so excluded.

24. The rolls made or altered under regulations 20 to 23 hereof shall, when authenticated in the manner prescribed by regulation 25 hereof, be the district electors rolls for the district or ward or wards, as the case may be, until new rolls are made up in accordance with the said Act and these regulations.

25. The district electors list, and every supplementary district electors list, and every roll or supplementary roll made pursuant to the said Act or these regulations, shall be authenticated by the Town Clerk by the appending thereto of a certificate in the following form or to the effect thereof:

“Certified pursuant to regulation 25 of the Municipal Corporations Regulations 1956 to be correct.
, Town Clerk.”

PART II—ACCOUNTING AND ANNUAL ACCOUNTS

26. Before any officer entrusted by the Council with the custody or control of money enters on the duties of his office, the Council shall take sufficient security from him for the faithful execution of his duties.

27. Where any money belonging to the Corporation amounting to £5 or upwards comes into the hands of any officer of the Council authorised to receive money on behalf of the Corporation, that officer shall within seven days after the money comes into his hands, or within such shorter period as the Council from time to time directs, pay the same to the Treasurer or to such other officer of the Council as the Council from time to time directs, who shall forthwith pay the same into the appropriate account at such bank as the Council from time to time appoints.

28. (1) Every person paying any money to the Council shall be given a receipt for the same in a form provided by the Council and signed by an officer of the Council authorised to receive money on behalf of the Corporation.

(2) Forms of receipts shall be numbered with consecutive numbers, and the persons responsible for the issue of those forms shall account for the use thereof.

29. The Treasurer shall from time to time as directed by the Council, but at least once a year, make a return to the Council of the total amount remaining unpaid in respect of each class of revenue due and payable to the Council.

30. Every person entrusted with the expenditure of any money belonging to the Corporation shall render to the Council true and correct accounts, supported by vouchers, of the expenditure of all such money, and shall, at the earliest possible date, pay to the Treasurer the balance of any such money in his hands.

31. If any money belonging to the Corporation is at any time in the hands of any person and is not duly accounted for, that money shall be recoverable as a debt due by that person to the Corporation.

32. The Treasurer, shall as soon as possible after the 31st day of March in every year, prepare accounts showing in such manner as the Audit Office requires an abstract of the receipts and payments of the general and separate accounts kept in accordance with paragraphs (a) and (b) of subsection (1) of section 127 of the said Act during the year ended on the 31st day of March, and a profit and loss account, an appropriation account, and a balance sheet in respect of each trading undertaking for the same year, together with the following statements:

(a) A statement of all the assets and liabilities of the Corporation upon the said 31st day of March, exclusive of the public debt and sinking funds:

(b) A statement of the public debt of the Corporation showing in respect of loans current during the year the amount raised in respect of each loan, the amount repaid, the balance outstanding on the said 31st day of March, and the sinking fund in the hands of the Commissioners to provide for the repayment of each such loan. The statement shall be accompanied by the accounts of the Sinking Fund Commissioners prepared in accordance with section 44 of the Local Bodies' Loans Act 1926:

(c) A statement of—

(i) The reserves and other land vested in the Corporation, showing the terms for which any parts thereof are let on lease or licence or otherwise, the rent, royalties, or other money payable under those tenancies, and the amounts of rent, royalties, or other money in arrear in each case:

(ii) The reserves of which the Council is the administering body but which are not vested in the Corporation, showing the terms for which any parts thereof are let on lease or licence or otherwise, the rent, royalties, or other money payable under those tenancies, and the amounts of rent, royalties, or other money in arrear in each case:

Provided that, if the Council so desires, the statement may take the form of a summary, compiled in respect of the reserves and other land, of the rents, royalties, and other money derived therefrom or from such parts thereof as are let on lease or licence or otherwise:

(d) A statement—

(i) Of the amount of each rate struck or recurring for the year ended on the said 31st day of March, the amount thereof collected, the amount written off during the year by order of the Council, and the amount outstanding at the end of the year as shown by the rate book:

(ii) Of the amount outstanding at the beginning of that year of each rate struck or recurring for previous years, the amount thereof collected during the year, the amount written off during the year by order of the Council, and the amount outstanding at the end of the year:

(e) In respect of each trading undertaking, a statement showing the value of the different classes of assets, the rate of depreciation allowed on each, and the total amount of depreciation provided as required by section 130 of the said Act.

33. An officer authorised by the Controller and Auditor-General may attend at the office of the Council at any time for the purpose of examining the books and documents up to the date of his visit.

34. As soon as possible after the certified accounts have been received from the Audit Office, the Council shall forthwith publish the accounts and the accompanying statements in the district in the following manner:

- (a) The accounts and statements shall be printed or mimeographed, and a copy shall be posted free of charge to any ratepayer making application for the same:
- (b) Copies of the accounts and statements shall be deposited for public inspection during office hours at the office of the Council for a specified period, being not less than thirty days and a notice that they have been so deposited shall be published at least four times in one or more newspapers circulating in the district:
- (c) One copy of the accounts and statements shall, as soon as they have been printed or mimeographed, be forwarded to the Controller and Auditor-General and two copies shall be forwarded to the Minister of Finance.

35. (1) Within one month after the certified accounts are received from the Audit Office, the Council shall hold a special meeting for considering the accounts and statements and any report of the Audit Office thereon and shall after so considering them finally adopt them.

(2) The Mayor or Chairman, as the case may be, shall sign the accounts so adopted which, when so signed, shall be deemed to be the true accounts of the Corporation for all purposes.

36. Every person is liable on summary conviction to a fine not exceeding £5 who does any act in contravention of or fails to comply with any provision of this Part of these regulations.

PART III—SUBDIVISION APPEALS

37. Every appeal to the Town and Country Planning Appeal Board against a decision of the Council under section 351 of the said Act in respect of a plan of subdivision of any land in the district shall be made within fourteen days after the receipt by the appellant of the decision of the Council against which he desires to appeal, or within such further time as the Board may allow, and shall be made and be heard and determined by the Board in the manner prescribed by the Town and Country Planning Act 1953 and the regulations under that Act.

PART IV—REVOCATIONS

38. The regulations specified in the Second Schedule hereto are hereby revoked.

SCHEDULES

FIRST SCHEDULE

Reg. 3

Form 1

FORM OF DISTRICT ELECTORS LIST

Under the Municipal Corporations Act 1954

Number	Name in Full Surname first	Occupation	Qualification	Address of Qualifying Property or Qualifying Residence

Signature:....., Town Clerk.

Reg. 5

Form 2

FORM OF CLAIM FOR ENROLMENT

Under the Municipal Corporations Act 1954

Claim for Enrolment on the District Electors List of the Borough (Town District) of (or Ward of the Borough of).
To the Town Clerk.

1. I [*Full name, occupation, and place of residence*], hereby claim to be enrolled on the district electors list of the Borough (Town District) of (or the Ward of the Borough of), on the grounds hereinafter set forth.

2. I am of the full age of twenty-one years.

[*In the case of a freehold qualification*]

3. I possess a freehold qualification, for I am the beneficial and duly registered owner of a freehold estate in the following land within the borough (town district) (..... Ward of the borough), the capital value whereof is not less than £25:

Building (if any); Section; Block;
Street; Number on valuation list (if known)

[*In the case of a rating qualification*]

4. I possess a rating qualification in respect of the following property within the borough (town district) (..... Ward of the borough):

Building (if any); Section; Block;
Number on valuation list (if known); Term of lease (if any)

[*In the case of a residential qualification*]

5. I possess a residential qualification, for—

- (a) I have resided for one year in New Zealand; and
- (b) I am a British subject (or I have the status of a British subject or I am an Irish citizen, *as the case may be*); and
- (c) I have resided in the borough (town district) (..... Ward of the borough) for not less than three months immediately preceding the date of this claim.

FIRST SCHEDULE—*continued**Declaration to be Signed by Every Claimant*

6. I hereby declare that the foregoing statements are true, and that I believe myself to be entitled to be enrolled in terms of this claim.

Dated at, this day of, 19....

Signed by the above-named in the presence of me—

{	Justice of the Peace.
	Postmaster.
	Minister of Religion.
	Solicitor.
 Elector of the Borough (Town District) of.....
	Town Clerk.
	Returning Officer.

Person authorised by the Town Clerk to take this declaration.

NOTE.—By section 29 of the Municipal Corporations Act 1954 every person who wilfully makes a false claim to have his name entered on the district electors list is liable to a fine not exceeding £5.

[*Note.—If the Council so desires, a separate form of claim for enrolment may be used in respect of each qualification.*]

Form 3

Regs. 9, 12

FORM OF OBJECTION TO DISTRICT ELECTORS LIST OR ROLL

*Under the Municipal Corporations Act 1954**A. Particulars of Person Objecting*

1. Full name:.....
2. Occupation:.....
3. Full postal address:.....

B. Objection to an Entry in the List or Roll

1. Name objected to:.....
2. No. on list or roll:.....
3. Qualification shown:.....
4. Exact defect alleged in qualification:.....
5. Any other particulars offered in support of objection:.....

C. Objection to an Omission from the List or Roll

1. Name of elector alleged to be omitted:.....
2. Qualification alleged to be possessed (to be stated as in application for enrolment):.....
3. Any other particulars offered in support of objection:.....

D. Terms of Objection

I, the person herein named as objector, do hereby object to the district electors list [or roll] of the Borough (Town District) of (or Ward of the Borough of) in the respect hereinbefore set out.

Given under my hand, this day of, 19....

Signature of objector:.....

Received by me this day of, 19....

Signature:.....

Town Clerk.

FIRST SCHEDULE—continued

Reg. 10

Form 4

LIST OF OBJECTIONS TO THE DISTRICT ELECTORS LIST

Under the Municipal Corporations Act 1954

Name of Person Objecting	Name of Person Alleged to be		Short Particulars of Alleged Defect or Qualification
	Wrongly Entered	Wrongly Omitted	

Signature:....., Town Clerk.

SECOND SCHEDULE

Reg. 38

REGULATIONS REVOKED

Regulations	Published in Gazette	
	Year	Page
Regulations under the Municipal Corporations Act 1920 made by Order in Council dated 30 August 1921	1921	2243
Regulations under the Municipal Corporations Act 1920 made by Order in Council dated 18 September 1922	1922	2620
Regulations under the Municipal Corporations Act 1920 made by the Governor-General on 7 May 1923	1923	1294
Regulations under the Municipal Corporations Act 1920 made by Order in Council dated 24 April 1929	1929	1057
	Published in Statutory Regulations Series	
	Year	Serial Number
The Municipal Enrolment Regulations 1947 ..	1947	97
The Municipal Subdivisions Appeals Regulations 1954	1954	95

T. J. SHERRARD,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations consolidate and amend the existing regulations enuring under the Municipal Corporations Act 1954 relating to the enrolment of electors, accounting by officers of Borough Councils and Town Councils, annual accounts, and appeals to the Town and Country Planning Appeal Board in relation to subdivisions.

Part I re-enacts without substantial change the existing regulations relating to the enrolment of electors, but spent provisions have been omitted and the wording of the regulations has been brought up to date having regard to the provisions of the Municipal Corporations Act 1954. Regulation 17 contains new provisions relating to the preparation of a roll of electors for the purposes of a poll to be taken in part only of a borough or town district.

Part II specifies the procedure for accounting by officers of the Council and the preparation of annual accounts, and considerably modifies the existing provisions.

Part III re-enacts without amendment the existing provisions relating to appeals from decisions of the Council with respect to subdivisions.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 19 July 1956.

These regulations are administered in the Department of Internal Affairs.