



SUPPLEMENT
TO THE
NEW ZEALAND GAZETTE

OF
THURSDAY, NOVEMBER 18, 1915.

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WELLINGTON, THURSDAY, NOVEMBER 18, 1915.

REGULATIONS
UNDER THE
MUNICIPAL CORPORATIONS ACTS



Regulations under the Municipal Corporations Acts.

LIVERPOOL, Governor.

ORDER IN COUNCIL.

At the Government House at Wellington, this fifteenth day of November, 1915.

Present:

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

IN pursuance and exercise of the power and authority conferred upon him by the Municipal Corporations Act, 1908 (hereinafter referred to as "the said Act"), and the Acts amending the same, His Excellency the Governor of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby make the following regulations for the purposes of the said Acts.

REGULATIONS.

DISTRICT ELECTORS LIST AND ROLL.

1. THE district electors list, to be compiled on or before the 15th day of February in every year in which a general election of the Council is to be held, as provided by section 6 of the said Act and section 2 of the Municipal Corporations Amendment Act, 1910, shall be in the form and shall contain the particulars specified in the First Schedule hereto.

2. In preparing the district electors list the Town Clerk shall place thereon the name—

(a.) Of every person of whose qualification as an elector he is satisfied; and also

(b.) Of every person who makes, and delivers or transmits to him at his office, a claim for enrolment as hereinafter provided.

3. Every such claim for enrolment shall be in the form set forth in the Second 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 an elector of the borough, or the Town Clerk.

4. It shall be the duty of the Council to keep at the Town Clerk's office a supply of blank printed forms of claims for enrolment as aforesaid for the free use of claimants under paragraph (b) of regulation 2 hereof.

5. Names appearing on the district electors roll in respect of a freehold or rating qualification 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; and it shall be his duty to report in writing to the Council all names thus omitted and the reasons of the omission. The Town Clerk shall send a written notice to every person whose name is omitted as having lost his qualification, informing him of the fact of such omission.

6. The Town Clerk shall, as far as possible, omit from the district electors list the name of every person whose name appears on the district electors roll for the time being in force in respect of a residential qualification, and who, not being a candidate at such election, has not voted at the general election of Councillors held since that roll came into force.

7. 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 16th until the 22nd day of February of the year in which the list is compiled; and he shall, on or before the said 16th day of February, publicly notify that the said list is or will be ready for inspection as aforesaid.

8. All objections under section 10 of the said Act shall be in writing under the hand of the objector, in the form in the Third Schedule hereto, and must be addressed to the Town Clerk, and delivered at his office on or before the 1st day of March in the year in which the list is compiled.

9. The Town Clerk shall make and sign a list of all such objections in the form in the Fourth 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 2nd to the 6th day of March.

10. The Council shall amend the district electors list by correcting every error set forth in any such objection and proved to the satisfaction of the Council to exist therein; and the Mayor shall initial every alteration so made in the district electors list.

11. At the sitting of the Council held for that purpose in the month of March (being not later than the 15th day thereof) the Mayor and two Councillors shall sign the district electors list as amended, and certify thereon to its being correct.

12. For the purpose of amending the district electors list by the addition of new names after the district electors list has become the district electors roll, supplementary district electors lists may from time to time be prepared; and with respect to every such supplementary list the following provisions shall apply:—

(a.) 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 last preceding list then in force.

- (b.) Each supplementary district electors list shall be deemed to be incorporated with the original district electors list, and when corrected, signed, and certified in the same manner as provided by regulation 11 hereof shall be a supplementary district electors roll, and be deemed to be incorporated with the original district electors roll then in force.
13. Appeals to a Magistrate under section 12 of the said Act may be made as follows :—
- (a.) An objection in writing under the hand of the objector shall be lodged with the Clerk of the nearest Magistrate's Court not later than the 22nd day of March, and a copy of that objection shall also be lodged with the Town Clerk not later than the said 22nd day of March.
- (b.) The objection may be in the form in the Third Schedule hereto, or as near thereto as may be.
- (c.) The Magistrate shall hear and determine the appeal at such convenient place and time, not being later than the 30th day of March, as he appoints, and not less than three days' notice shall be given to the Council and to the appellant of the date so appointed.
14. A copy of the district electors roll, and of all its supplements, and also the original manuscript roll with all its amendments and corrections, shall be kept open for public inspection at the office of the Town Clerk during office hours without fee.
15. The roll required under section 14 of the said Act shall be prepared by striking out from the district electors roll, and from every supplementary district electors roll in force within the borough, on the fourteenth day previous to the taking of the poll for which such roll is required, the name of every person whose name appears on such rolls more than once (except in the case where that name first appears); and no other alterations shall be made in any such roll after that day until after the taking of the poll.
16. Such roll shall be signed by the Mayor and two Councillors, who shall certify thereon to its being correct.
17. In case the district electors roll for any borough or ward is not, from any cause whatever, made out and completed so as to come into force on the first day of April, the district electors roll for that borough or ward then in force shall (unless and until the time for making out and completing a new roll is extended under section 368 of the said Act) remain in force until another district electors roll comes into force for the same borough or ward.
18. (1.) As soon as practicable after the original district electors roll or any supplementary district electors roll, or roll under section 14 of the said Act, comes into force, copies thereof shall (except as hereinafter provided) be printed by the Council.
- (2.) Where the total number of electors on any roll or supplementary roll does not exceed two hundred, the Council may by resolution declare that such roll or supplementary roll shall be typewritten and not printed, and the same shall be typewritten accordingly.
- (3.) The Town Clerk shall supply any person with a copy of the printed or typewritten district electors roll, together with all its printed or typewritten supplements, on payment of 1s.
19. The Town Clerk is liable to a fine not exceeding £5 in every case where he refuses, or wilfully neglects, or unreasonably delays—
- (a.) To place on the district electors list the name of any person who makes a claim for enrolment in the manner provided by paragraph (b) of regulation 2 hereof; or
- (b.) To faithfully and promptly perform any other duty imposed on him by the said Act or these regulations.
20. 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 4 hereof, or to faithfully and promptly perform any other duty imposed on it by the said Act or these regulations, every person (whether the Town Clerk or any member of the Council) who is party to or responsible for such failure or delay is severally liable to a fine not exceeding £5.
21. When a borough is first divided, or is redivided, into wards, the Town Clerk shall, unless the Council otherwise directs, prepare a separate district electors roll for each ward, instead of one for the whole borough; and the Town Clerk shall forthwith make up from the district electors roll or rolls in force new district electors rolls for each such new 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.
22. The Town Clerk shall also in like manner make new district rolls for any ward or wards affected by any creation, abolition, or division of wards, or alteration in their boundaries.
23. Whenever any adjoining area is included in a borough under section 14 of the Municipal Corporations Amendment Act, 1913, the Town Clerk shall forthwith make up from the district electors roll or rolls in force in such borough, or any ward thereof respectively, and from the ratepayers or electors roll in force in any such area, a new district electors roll for the borough or ward, as the case may be; and shall place on the roll for such borough or ward the name of each elector or ratepayer who appears from such rolls respectively to be entitled to vote therein.
24. Whenever any area is excluded from a borough under section 14 of the Municipal Corporations Amendment Act, 1913, the Town Clerk shall forthwith remove from the district electors roll or rolls in force in such borough or any ward thereof respectively the name of every person whose name appears on such roll or rolls only as possessing a qualification entitling him to be entered thereon in respect of the area so excluded.
25. The rolls made or altered under the four last preceding regulations shall, when signed by the Mayor and any two Councillors, be the district electors rolls for such borough or ward or wards, as the case may be, until new rolls are made up in accordance with the said Act and the regulations thereunder.

COLLECTORS AND ACCOUNTANTS.

26. Before any officer intrusted by the Council with the custody or control of moneys by virtue of his office enters thereon, the Council shall take such sufficient security from him for the faithful execution of his duties as it thinks fit.

27. Every person receiving any moneys belonging to or on account of the Corporation of the borough (hereinafter referred to as "a Collector") shall, at such times as the Council directs, pay all moneys so received by him into the bank to the proper account of the District Fund; and shall in any case on the Saturday in each week pay into the bank all such moneys then in his hands.

28. The bank shall give receipts for all moneys so paid in, and such receipts shall be a sufficient discharge to the Collector for the amount named therein.

29. Every Collector shall, once at least in each week, give to the Treasurer a list of all moneys collected by him, showing by whom they were paid and the number of the receipt given by the Collector, as provided in the next succeeding regulation. Every such list shall be accompanied by the receipt of the bank for those moneys.

30. (1.) Every Collector shall give to every person paying rates, rents, tolls, or any other moneys belonging to the Council, a receipt for the same, in such form as the Council provides.

(2.) Forms of receipts shall be supplied to the Collector, numbered with consecutive numbers; and the Collector shall account for the use of all such forms, and shall append to the list mentioned in the last preceding regulation the number of the receipt which he has given to each person from whom he has received money.

(3.) Such receipts are exempt from stamp duty.

31. Every Collector shall from time to time, as directed, make a return to the Council of the names of all persons who have neglected or refused to pay any rates or other moneys due by them.

32. Every person in whose hands any money is placed for expenditure on behalf of the Council shall render full and faithful accounts of the expenditure of all such moneys, at such times and in such manner, and supported by such vouchers, as the Council directs, and shall pay over the balance of any such moneys in his hands to any person appointed by the Council to receive the same on demand.

33. If any moneys belonging to the Corporation appear at any time to be lying in the hands of any person, and not to be duly accounted for, such moneys shall be deemed to be a debt due by that person to the Corporation, and may be recovered by any person authorized by the Council in that behalf, together with full costs of suit, in any Court of competent jurisdiction.

ACCOUNTS AND BALANCE-SHEET.

34. The Treasurer shall, within fifteen days after the 31st day of March in every year, prepare a balance-sheet of the District Fund, showing, under such heads as the Audit Office requires, an abstract of the receipts and expenditure of the General Account, and of each of the separate accounts kept in accordance with section 107 of the said Act, during the year ending on the said 31st day of March, together with the statements following:—

(a.) A statement of the whole 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 the total debt outstanding under the head of each loan raised, and the sinking fund in the hands of the Commissioners to provide for the repayment of each such loan:

(c.) A statement of the reserves and other real estate belonging to the Corporation, showing the terms and rent for which any parts thereof are let on lease or otherwise, and the amounts of the rents in arrear in each case:

(d.) A statement—

(i.) Of the amount of each rate struck or recurring for the year ending on the said 31st day of March, the amount thereof collected, 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.

35. An officer authorized 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.

36. As soon as possible after the annual audit the Audit Office shall certify to the correctness of such balance-sheet and statements, either wholly or with such exceptions as are thought fit, and shall send the same so certified to the Council on or before the 30th day of April, or as soon thereafter as possible; and the Council shall forthwith publish the same in the borough, together with the report of the Audit Office thereon.

37. (1.) Within fourteen days after the certificate is received from the Audit Office the Council shall hold a special meeting for considering such balance-sheet and statements, and the report of the Audit Office; and, if it thinks that the balance-sheet fails to show fully and truly all the dealings with the borough funds, may make such alterations therein, not being contrary to the report of the Audit Office or to the provisions of the said Act, as it thinks fit, and shall finally settle the same.

(2.) The Mayor shall sign the balance-sheet so settled, which, when so signed, shall be deemed to be the true accounts of the borough for all purposes.

38. (1.) The Commissioners of Sinking Funds shall, within fifteen days after the 31st day of March in every year, prepare a balance-sheet showing in respect of each loan the transactions during that year, and also a statement in respect of each loan of the sinking funds in the hands of the Commissioners, and the securities in which those funds are invested at the end of the year. Such balance-sheet and statements shall be certified by the Controller and Auditor-General.

(2.) Such balance-sheet and statement shall be signed by the Commissioners, and clauses 35 and 36 of these regulations shall, *mutatis mutandis*, apply thereto.

39. (1.) The Council shall, on or before the 30th day of June in each year, cause to be prepared and sent to the Minister of Finance a copy of the balance-sheet as signed by the Mayor for the year ending on the 31st day of March previous, together with such other accounts and particulars as the Minister of Finance directs.

(2.) The Mayor of every borough who wilfully neglects or refuses to comply with the provisions of this regulation shall be liable to a fine of £5 for every such neglect or refusal.

(3.) The Minister of Finance shall lay such accounts and particulars before Parliament within ten days after he has received the same, if Parliament is in session, and, if not, then within ten days after its first meeting at the next session thereof.

TRAVELLING-EXPENSES.

40. (1.) The Council may out of its District Fund reimburse to the Mayor and to every Councillor the actual travelling-expenses incurred by him in travelling a distance exceeding three miles (counting one way only) to attend to any business of the Council to which he has been authorized by the Council to attend.

(2.) No expenses shall be reimbursed to any Councillor incurred in travelling for the purpose of attending any meeting of the Council or any committee thereof.

PETITIONS.

41. The following provisions shall apply to all petitions made under the said Act or any amendment thereof, whether to the Governor or to the Council:—

(a.) Except in cases where it is otherwise expressly provided, every petition shall be signed by at least three-fifths of the electors of the borough if the subject-matter thereof relates to the entire borough, or by at least three-fifths of the electors of such ward or wards of the borough as may be affected by the subject-matter of the petition.

(b.) The signatures to every petition shall be verified by declaration in the form following, made and signed by some person or persons residing in the district or area to which the petition refers:—

“ I, A. B., of _____, do hereby declare that the signatures affixed to the above petition, initialled by me [or which I have marked (*describing the mark*)], are the genuine signatures of the persons whose signatures they purport to be, and that those persons are electors of the [*Name the district*]. ”

BRIDGES AND FERRIES.

42. Tolls payable at any bridge or ferry under sections 198 to 205 of the said Act may be leased in manner and subject to the terms and conditions following:—

(a.) The letting shall be for a period not exceeding one year.

(b.) The letting shall be by public auction or sealed tenders, after due public notice given.

(c.) Security to the satisfaction of the Council shall be given for the rent to be paid.

(d.) The scale of tolls shall not be altered during the lease without the consent of the lessee, except on payment of compensation.

(e.) The lessee, or any person appointed by him in writing, shall be deemed to be a Collector appointed by the Council.

43. If any person refuses to pay a toll for which he is liable, the Collector may seize and distrain any cattle or vehicle in respect of which such toll is payable, or any goods carried in such vehicle or on such cattle.

44. If such toll, with reasonable charges for the seizure and distress, and for the maintenance of such cattle, is not paid within four days, the Collector may sell such cattle, vehicle, or goods by public auction, and apply the proceeds of the sale in payment of such toll and charges, and shall pay the residue, if any, to the owner on demand.

45. Instead of making such seizure and distress, the Collector may recover from any person refusing to pay a toll for which he is liable the amount of such toll, with such compensation for loss of time in recovering the same as the Court thinks fit.

46. Every person is liable to a fine not exceeding £5 who—

(a.) Leaves a road and returns thereto within 300 yards on either side of the toll-gate with intent to evade paying toll.

(b.) Hires or plies for hire in any boat or punt across a river, stream, or creek within half a mile in a straight line from any public ferry in working-order, or bridge open for traffic across the same, at which tolls are payable.

47. Every person is liable to a fine not exceeding £5 who attempts by force to evade the payment of any toll, or resists or obstructs the Collector in the execution of his duty.

48. Every Collector is liable to a fine not exceeding £5 who—

(a.) Demands a larger toll than is payable by law;

(b.) Does not maintain in a legible condition the board required to be maintained by section 199 of the said Act;

(c.) Refuses, when required so to do, to give his name, or gives a false name, to any person from whom he has demanded toll;

(d.) Is drunk when in discharge of his duty;

(e.) Obstructs any person in passing when the lawful toll has been tendered;

(f.) Uses any abusive or offensive language to any person passing.

FINANCIAL ADJUSTMENTS.

49. Whenever, upon the constitution of a new borough, or the alteration of the boundaries of an existing borough, agreements for financial and other adjustments are required to be made as specified in section 127 of the said Act, such agreements shall respectively be made and executed within three calendar months from the date of the constitution of the new borough or from the date of alteration of boundaries respectively, as the case may be.

50. All such agreements shall provide, *inter alia*, for the following matters:—

- (a.) What part of the real and personal property of the local authority or local authorities directly affected by such constitution or alteration shall respectively become the property of the new borough or other authority acquiring the severed area, as the case may be.
- (b.) What part of the rates payable to the existing local authority or local authorities from which such new borough or added area has been taken shall be deemed payable to such new borough or other authority acquiring such severed area respectively.
- (c.) What part of the debts, liabilities, or engagements of such existing local authority or local authorities, whether absolute and outstanding at the date of such severance or then contingent or prospective (if the same be capable of estimation), shall be liabilities or engagements of such new borough or other local authority acquiring such severed area respectively.
- (d.) What part of the interest and sinking fund of any loan raised by such existing local authority or local authorities shall be payable by the new borough or other local authority acquiring such severed area respectively.

51. If no such agreements as aforesaid are made within the said period of three calendar months from the date of the constitution or alteration of boundaries as aforesaid, then, upon the written application of either of the local authorities directly affected by such constitution or alteration, the Governor may appoint one or more persons to be Commissioners to inquire and report to him upon any matters which he shall deem necessary to enable him to make an adjustment of property, liabilities, contracts, and engagements between such local authorities. The Commissioners shall report to the Governor, after such inquiry as they think necessary, their opinion as to the matters inquired into, but it shall not be obligatory on the Governor to act in accordance with any opinion or recommendation expressed or made by the Commissioners. Such Commissioners shall have all the powers of a Commission appointed by the Governor in Council under the provisions of the Commissions of Inquiry Act, 1908. After consideration of the report of the Commissioners, the Governor shall, by Warrant under his hand, make such adjustment or award as he deems just. Such adjustment or award shall be notified to the parties by the Minister of Internal Affairs. All applications under this regulation shall be addressed to the Minister of Internal Affairs.

52. Any such adjustment or award may provide for all or any of the matters mentioned in regulation 50 hereof, and may declare in whom any property shall be vested, and for what estate, and by whom any moneys shall be paid, or other acts and things done (including the payment by either party of the whole or any part of the costs and expenses of such inquiry), and generally may give such directions as may be necessary for giving full effect to these regulations relating to financial adjustments.

53. Every such adjustment or award shall be final and conclusive as between the parties.

REVOCATION.

54. The regulations referred to in the Fifth Schedule hereto are hereby revoked.

SCHEDULES.

FIRST SCHEDULE.

(Reg. 1.)

FORM OF DISTRICT ELECTORS LIST FOR A BOROUGH, IF UNDIVIDED, OR FOR EACH WARD IN THE CASE OF A BOROUGH DIVIDED INTO WARDS.

Under the Municipal Corporations Acts.

Number.	Surname and Full Christian Names.	Occupation.	Qualification, whether Freehold, Rating, or Residential.	Situation of Property.	Whether Qualification is claimed in own Right or in Right of Husband (or Wife).

A. B.,
Town Clerk

SECOND SCHEDULE.

(Reg. 3.)

FORM OF CLAIM FOR ENROLMENT.

Under the Municipal Corporations Acts.

Claim for Enrolment on the District Electors List [of Ward] of the Borough of
To the Town Clerk.

I, THE undersigned [*State full name, occupation, and place of residence*], hereby claim to be enrolled on the district electors list of [Ward of] the Borough of , on the grounds hereinafter set forth.

(1.) The qualification is possessed by me in my own right [*or, as the case may be, the right of my husband (or wife), whose full name is (Set out full name of husband or wife).*].

[*In the case of a freeholder's qualification.*]

(2.) I claim to be enrolled on the freehold list as beneficial and duly registered owner of a freehold estate in the following land within [the Ward of] the borough [*Set out description of land by reference to section and block*], the capital value whereof is not less than £ .

[*In the case of a ratepayer's qualification.*]

(2.) I claim to be enrolled on the ratepayers list as a ratepayer in respect of the following property within [the Ward of] the borough:—

Building, if any, ; Section, ; Block, ; Street, ; number on valuation list, if known, ; term of lease, if any, .

[*In the case of a residential qualification.*]

(2.) I claim to be enrolled on the residential list as having resided for one year in New Zealand, and in [the Ward of] the borough during the three months now last past, and as being a British subject by birth [*or by naturalization in New Zealand*].

[*Or*]

(2.) I claim to be enrolled on the residential list as being, and for not less than three months now last past having been, in occupation, as undermentioned, of a building within [the Ward of] the borough as tenant at a rental at the rate of not less than £10 per year for each residential occupant under the tenancy. [*Set out the description and situation of the building, or, if more than one, then of each building occupied during any portion of the three months, specifying in each case the name of the landlord, the term of the tenancy, the rental payable thereunder, the period of actual occupation, and, if the number of occupants under the tenancy exceeds one, the number of them and the name of each of them.*]

Declaration to be signed by every claimant.

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

Dated at , this day of , 19 .

.....
Claimant.

Signed by the said , the claimant, in the presence of me— , J.P. [*or Postmaster, or minister of religion, or elector of the Borough of , or Town Clerk*].

NOTE.—By section 3 of the Municipal Corporations Amendment Act, 1913, 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.

THIRD SCHEDULE.

(Regs. 8, 13.)

FORM OF OBJECTION TO DISTRICT ELECTORS LIST OR ROLL.

Under the Municipal Corporations Acts.

I, [*Full name, occupation, and place of residence*], hereby object to the district electors list [*or roll*] of [the Ward of] the Borough of [*Name of borough*], on the grounds [*State the person to whom the objection relates, and also such specific grounds of the objection, as set forth in section 10 of the Act, as are applicable.*]

Given under my hand, this day of , 19 .

C. D.

Received by me this day of , 19 .

A. B.,
Town Clerk.

[*Note.—Section 10 to be printed on back.*]

FOURTH SCHEDULE.

(Reg. 9.)

LIST OF OBJECTIONS TO THE DISTRICT ELECTORS LIST.
Under the Municipal Corporations Acts.

Name of Person objecting.	Name of Person to whom Objection relates, and Nature of Objection.		Grounds of Objection.
	Entered on List, though not entitled so to be.	Not entered on List, though entitled so to be.	

A. B.,
Town Clerk.

FIFTH SCHEDULE.

(Reg. 54.)

REGULATIONS REVOKED.

- Regulations under the Municipal Corporations Act, 1908, dated the 15th February, 1911, and published in the *Gazette* of the 16th February, 1911
- Regulations under the Municipal Corporations Act, 1908, dated the 26th November, 1912, and published in the *Gazette* of the 5th December, 1912.
- Regulations under the Municipal Corporations Amendment Act, 1910, dated the 19th May, 1913, and published in the *Gazette* of the 29th May, 1913.

J. F. ANDREWS,
Clerk of the Executive Council.