

*Regulations under the Howard Estate Amendment Act, 1927.—
Notice No. Ag. 2740.*

CHARLES FERGUSSON, Governor-General.
ORDER IN COUNCIL.

At the Government House at Wellington, this 17th day of
September, 1928.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

IN pursuance and exercise of the power and authority conferred on him by the Howard Estate Amendment Act, 1927 (hereinafter referred to as the said Act), His Excellency the Governor-General 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 Act.

REGULATIONS.

1. PRELIMINARY.

(1) THESE regulations may be cited as the Howard Estate Advisory Board Regulations, 1928.

(2) These regulations shall take effect as from the date of publication in the *Gazette*.

(3) In these regulations, unless inconsistent with the context,—

“Board” means the Howard Estate Advisory Board established by section 2 of the said Act :

“Chairman” includes the Mayor of a borough and the President or other presiding member of a Chamber of Commerce or a society incorporated under the Agricultural and Pastoral Societies Act, 1908 :

“Group” includes the several bodies referred to in paragraphs (b), (d), and (e), respectively, of subsection (3) of section 2 of the said Act :

“Minister” means the Minister of Agriculture.

2. FARMERS' UNION RECOMMENDATIONS.

The joint recommendation referred to in paragraph (a) of subsection (3) of section 3 of the said Act shall be communicated to the Governor-General through the Minister, and shall be made through the Hawke's Bay Provincial Executive of the New Zealand Farmers' Union to the Minister by means of a statutory declaration made by the presiding member of the said Provincial Executive and the Secretary thereof in or to the effect of the form numbered 1 in the Schedule hereto.

3. EDUCATION BOARD RECOMMENDATIONS.

The recommendation referred to in paragraph (c) of the said subsection (3) shall be communicated to the Governor-General through the Minister, and shall be made by a certificate under the hand of the Secretary of the Education Board of the District of Hawke's Bay, addressed to the Minister setting out the recommendation, and stating that the same was duly arrived at and made by resolution of the said Education Board.

4. RECOMMENDATIONS OF OTHER BODIES.

(1) For the purpose of obtaining the respective recommendations referred to in paragraphs (b), (d), and (e) of the said subsection (3) the District Public Trustee at Napier shall, not later than the 31st day of October, 1928, and not later than the same date in every third year thereafter, and at any other time when a casual vacancy occurs in the membership of the Board, prepare a list setting out the names and addresses of the bodies included in each group or in the group from which a joint recommendation is required for the purpose of filling a casual vacancy, as the case may be.

(2) On completion of such lists the District Public Trustee shall, by letter addressed to the Chairman, invite each body to forward to him, not later than a convenient date to be fixed by the District Public Trustee and specified in such letter, the name of any person it wishes to be recommended for appointment as a member by the group in which such body is included.

(3) If in respect of any group the name of one person only is proposed, the District Public Trustee shall forward to the Chairman of each body concerned a notification in the form numbered 2 in the Schedule hereto, and, on receipt of the authorizations set out in the said form, shall complete and forward to the Minister a memorandum in the form numbered 4 in the Schedule hereto.

(4) If in respect of any group more than one person is proposed, the District Public Trustee shall forward to the Chairman of each body concerned a list of the names of the persons so proposed, with a request that such body should

vote for the person whose appointment is desired to be recommended by the placing of a cross against his name. When the list has been so marked it shall be signed by the Chairman and returned to the District Public Trustee so as to be received not later than one month from the date when it was so forwarded by the District Public Trustee to the Chairman.

(5) If upon the receipt by the District Public Trustee of the marked lists referred to in the preceding clause hereof it is found that any person has received a greater number of the votes indicated than any other person, the District Public Trustee shall forward to the Chairman of each body concerned a notification in the form numbered 3 in the Schedule hereto, and on receipt of the authorizations set out in the said form shall complete and forward to the Minister a memorandum in the form numbered 4 in the Schedule hereto.

(6) If upon the receipt by the District Public Trustee of the marked lists referred to in clause (4) hereof it is found that no one person has received a greater number of the votes indicated than any other person, the District Public Trustee shall again circulate a list in accordance with clause (4) hereof, but such list shall contain only the names of those persons who have received the greatest number of the votes so indicated ; and if upon the receipt by the District Public Trustee of the marked lists referred to in this clause it is found that any person has received a greater number of the votes indicated than any other person, the District Public Trustee shall proceed as directed by clause (5) hereof.

(7) If upon the receipt by the District Public Trustee of the marked lists referred to in clause (6) hereof it is again found that no one person has received a greater number of the votes so indicated than any other person, or if by reason of the neglect of any body to comply within a reasonable time with the provisions of this regulation no joint recommendation is obtainable, the District Public Trustee shall report to the Minister that the bodies of the group concerned have failed to make a joint recommendation under the said subsection (3).

(8) The District Public Trustee may at any time require to be satisfied by means of statutory declarations or such other evidence as he shall think sufficient that any authorization, nomination, or other act on the part of any body has been duly effected or arrived at in accordance with the by-laws, standing orders, or other rules governing the procedure of that body.

(9) Any communication from or to the District Public Trustee to or from the Chairman of a body shall be sufficiently sent, given, or forwarded if sent by registered post letter addressed to the recipient at his usual postal address, and shall be deemed to be received at the time when it would be delivered to the recipient in the ordinary course of post, and no failure or omission to give or receive any communication referred to in this regulation, nor any irregularity in connection with the procedure set out in this regulation, shall invalidate or affect a joint recommendation made to the Governor-General through the Minister pursuant to the provisions of this regulation.

5. DISQUALIFICATION OF MEMBERS.

No person shall be eligible to become or remain a member of the Board who is or becomes an alien or a mental defective, or a bankrupt who has not obtained his discharge or whose discharge is for the time being suspended or is subject to conditions not yet fulfilled, or who has been sentenced to any term of imprisonment and has not received a free pardon or served his sentence, or who holds any position in the service of the New Zealand Government or on the Howard Estate to which any fees, salary, or emoluments are attached, or who is concerned or interested (otherwise than as a member of an incorporated company in which there are more than twenty members and of which he is not the general manager) in any contract (including a lease of lands) made by the Public Trustee in his capacity as trustee of the Howard Estate, if the interest of such person in any payment made or to be made to, or by or on behalf of, the Public Trustee in respect of any such contract exceeds £5 in the case of a single contract, or £10 altogether in any financial year in the case of two or more contracts.

6. CASUAL VACANCIES.

If any member is absent without the leave of the Board from three consecutive meetings thereof, or becomes incapable of remaining a member of the Board as provided by Regulation 5 hereof, his office shall be thereby vacated and a casual vacancy created.

7. EXPENSES OF MEMBERS.

(1) Subject to the provisions of the next succeeding clause, each member of the Board shall, when absent from his usual