

Gold Fields Act Amendment Act 1867

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An Act to amend “The Gold Fields Act 1866.”

Preamble.

WHEREAS by the one hundred and ninth section of “The Gold Fields Act 1866” it is enacted that it shall be lawful for the Governor in Council under his hand and the public seal of the Colony from time to time to delegate to the Superintendent of any Province or to such other person as the Governor may deem fit all or any of the powers vested in the Governor or the Governor in Council by the said Act except the powers conferred by sections twenty-two forty forty-eight sixty ninety-six and

one hundred and seven thereof subject or not to any limitations or restrictions as he may think fit And whereas it is expedient that the Governor in Council should be empowered to delegate to the Executive Government of any Province those powers vested in the Governor or the Governor in Council which by the said one hundred and ninth section of the said Act may be delegated by the Governor in Council And whereas it is expedient to amend “The Gold Fields Act 1866” in other particulars

Be it therefore enacted by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows—

1 Short Title.

The Short Title of this Act shall be “The Gold Fields Act Amendment Act 1867.”

2 Governor may delegate certain powers under “The Gold Fields Act 1866” to Executive Government of any Province.

Within any Province in which by any Act or Ordinance it is provided that the Superintendent shall in the administration of the government thereof act by and with the advice and consent of an Executive Council it shall be lawful for the Governor in Council under his hand and the public seal of the Colony from time to time as occasion may require to delegate to the Executive Government for the time being of such Province subject or not to any restrictions or limitations as he shall think fit all or any of such powers vested in the Governor or the Governor in Council by “The Gold Fields Act 1866” as under or by virtue of the one hundred and ninth section of the said Act may be delegated by the Governor in Council and in like manner to revoke any such delegation.

3 Delegation not to be affected by resignation of members of Executive Council.

Such delegation shall be to the Executive Government for the time being and shall continue in force unless revoked notwithstanding the death or removal from office or resignation of any or all of the members of the Executive Council of the Province.

4 Proceedings of Executive Government in exercise of such powers how regulated.

In the exercise of any powers delegated hereunder to the Executive Government of any Province its proceedings shall be regulated by the provisions of any Act or Ordinance for the time being in force in such Province regulating the proceedings of the Executive Council of such Province in the administration of the affairs thereof but in the exercise of any of the powers delegated hereunder no act or resolution shall have any effect unless the Superintendent and at least two other members of the Executive Council being also members of the Provincial Council of such Province be present or if the Superintendent be absent then there shall be present at least three other members of such

Executive Council being also members of the Provincial Council of the Province Provided that if at any time after the making of any such delegation and before the revocation thereof the Provincial Council of any Province to the Executive Government of which any such delegation shall have been made shall be dissolved persons who were members of such Provincial Council at the time of the dissolution thereof shall until the election of the new Provincial Council be deemed for the purpose of this Act capable of being members of the Executive Council and of taking part in the exercise of the powers delegated hereunder.

5 When powers delegated to Executive of a Province gold fields expenses to be regulated by Provincial Legislature.

Whenever the Governor shall have delegated to the Executive Government of any Province or to the Superintendent of any Province or to any other person or persons all or any of the powers vested in the Governor or in the Governor in Council by “The Gold Fields Act 1866” it shall be lawful for the Governor by Order in Council to appoint and declare that all the costs charges and expenses incident to the management and administration of the gold fields within such Province shall be regulated by Acts or Ordinances to be passed by the Superintendent and Provincial Council of such Province.

6 If Executive refuse such delegation such powers may be delegated to any persons Governor may think fit.

If the Executive Government of any Province shall refuse to accept or shall resign any delegation made hereunder it shall be lawful for the Governor in Council under his hand and the public seal of the Colony to delegate for and within such Province from time to time as occasion may require to such persons as he may think fit subject or not to any restrictions or limitations as he may think fit all or any of such powers aforesaid as under the said recited section of “The Gold Fields Act 1866” may be delegated by the Governor in Council and it shall also be lawful for the Governor in Council at any time to revoke any such delegation.

7 Restriction of Act.

Nothing herein contained shall be deemed to repeal alter or effect the one hundred and ninth section of the Gold Fields Act or the authority thereby given to the Governor in Council to delegate to the Superintendent of any Province or to any other person the powers therein mentioned.