

# **Hawke’s Bay and Marlborough Rivers Act 1868 Amendment Act 1870**

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**An Act to amend an Act of the General Assembly of New Zealand passed in the thirty-second year of the reign of Her present Majesty and shortly intituled “The Hawke’s Bay and Marlborough Rivers Act 1868.”**

**BE IT 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 Hawke’s Bay and Marlborough Rivers Act 1868 Amendment Act 1870.”

**2 Governor may proclaim provisions of this in lieu of certain provisions of recited Act.**

In any case where "The Hawke's Bay and Marlborough Rivers Act 1868" has already been or hereafter shall be brought into operation in any Province in manner provided by the fifty-fifth section of the said Act it shall be lawful for the Governor of New Zealand at any time thereafter on the application of the Superintendent of such Province by Proclamation in the *Government Gazette* of the Colony to declare that all or any one or more of the sections of the said Act numbered respectively ten twenty-two and twenty-three shall cease to have any force or effect within the said Province and that the sections of this Act numbered from three to seven inclusive or any one or more of them shall be in force and have effect in the said Province in lieu of the said sections numbered respectively ten twenty-two and twenty-three or such one or more of them as shall be specified in such Proclamation.

**3 Retirement of members in rotation.**

On the first Thursday in the month of January next following the date of the first general meeting for the election of the Board of Conservators of any district and on the first Thursday in January of every succeeding year two members of the Board of each district the Board whereof shall consist of five members and three members of the Board of each district the Board whereof shall consist of more than five members shall go out of office and the members who shall so go out of office shall always be the members who have been the longest time in office without re-election and if by reason of two or more members having become members at the same time it shall not be apparent under the foregoing part of this section which of such last-mentioned members ought at any time to go out of office then the Board shall itself determine in what order and which of such members shall go out of office Provided always that any retiring member of the Board of any district shall be eligible for re-election.

**4 Annual ordinary elections.**

Every election after the first of members of the Board of each district shall be held at a convenient place within the District to be fixed by the Board or if there be no Board then by the Superintendent and the voters shall in manner provided by the said Act elect from the persons qualified to vote a sufficient number of persons to fill the vacancies occasioned by the retirement of the members going out of office by rotation in that year and the Chairman of the meeting shall report in writing to the Superintendent the names of the persons so elected.

**5 In any district where the Provincial Government is contributing towards the expense of any works Government to have the power of nominating a proportion of the Conservators.**

If the Superintendent of the Province shall have agreed to contribute a sum not less than two-fifths of the rates payable in any district towards the expense of any works to be carried out by the Board of Conservators under the provisions of the said Act the Superintendent of such Province shall for the time during which such works shall be in progress and uncompleted but no longer have the power if the said Board of Conservators shall consist of five members of appointing two of their number and if the said Board shall consist of more than six members of appointing three of their number and the remaining members of such Board shall be elected in manner provided by the said Act Provided always that when and so long as the Superintendent of any Province shall exercise the power of appointing members of the Board of any District under the provisions for that purpose hereinbefore contained only one of the remaining members of such Board shall retire annually in case the said Board shall consist of six members and only two of the remaining members of such Board shall retire annually in case the said Board shall consist of more than five members And provided also that the members appointed by the Superintendent shall not retire under the provisions hereinbefore contained but shall be removable at the pleasure of the Superintendent and that so often as any such member shall be removed the Superintendent may appoint another in his stead.

**6 Classification of lands outside towns.**

For the purpose of rating all lands without the limits of a town shall be annually classified by the Board or by some person appointed by them in that behalf into the following classes that is to say—

- (1.) Lands liable to great actual damage
- (2.) Lands liable to less actual damage.

**7 Rate on classified lands.**

The rate payable in any one year in respect of lands outside the limits of a town shall be levied upon the several classes of land aforesaid in the proportion following that is to say—

Class I. shall be rated at double the amount calculated at the rental value thereof payable by Class II.

Class II. shall be rated at one-half the amount calculated at the rental value thereof payable by Class I.