

Town Districts Act 1881 Amendment Act 1883

Public Act 1883 No 35
Date of assent 8 September 1883

Contents

		Page
	Title	2
1	Short Title.	2
2	Havelock constituted a district.	2
	<i>Town Districts and Boards</i>	
3	Town district not to extend beyond county.	3
4	Number of Board of Commissioners may be increased from five to seven.	3
5	Biennial elections.	3
6	Biennial elections not to be held if within six months of a general election.	3
7	Conduct of elections.	4
8	On failure of election extraordinary vacancy created.	4
9	Proceedings for ouster of office against member or Chairman.	4
10	Revocation of resolutions.	4
11	Minutes of Board to be open to inspection.	4
12	Board to provide public offices, and appoint officers, &c.	4
13	Portions of county or main roads within town district under control of by-laws of Town Board.	5
	<i>Ratepayers</i>	
14	Who are ratepayers.	5
15	Ratepayers' roll to be prepared.	5
16	Chairman or Clerk to keep rolls of district.	5
17	Ratepayers' roll and valuation roll to be open to public inspection.	5

Loans

18	Special loans may be raised for public works as in boroughs on vote of ratepayers.	6
19	Special rates to be levied as security for loans.	6

Control of Moneys and Audit

20	License fees, &c., to be paid to Board.	6
21	Fees, &c., accrued may be recovered by Town Board.	7
22	Fines and penalties also.	7
23	Continuing penalties.	7
24	Clerk of Court receiving penalties to pay same to Board.	7
25	Collector of money to pay same into bank.	7
26	Accounts to be kept by Treasurer.	8
27	Annual balance-sheet to be prepared.	8
28	Special provision as to balance-sheet for 1884.	8
29	Balance-sheet to be published.	8

Repeals

30	Repeals.	8
----	----------	---

An Act to amend “The Town Districts Act, 1881.”

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 is “The Town Districts Act 1881 Amendment Act, 1883.”

2 Havelock constituted a district.

The Town of Havelock, in the County of Marlborough, as the same is defined in section six of a Provincial Ordinance of Marlborough intituled “The Picton and Havelock Improvement Act, 1872,” and in which a Board of Works has been established under the Ordinance aforesaid, is hereby constituted a town district as and from the date of the coming into operation of this Act.

The Board of Works for the aforesaid Town of Havelock in office on the coming into operation of this Act shall be deemed to have been a corporation at the time of the passing of this Act, and shall be deemed to be the Town Board for Havelock under this Act, which shall continue in office until the time hereinafter appointed for the first general election of members under this Act. At such time the whole of the members of the aforesaid Board shall go out of office, notwithstanding that the term of office of all the members of such Board may not have expired.

All appointments, by-laws, and valuation-rolls in force at the time aforesaid shall be deemed to have been made under this Act.

Town Districts and Boards

3 Town district not to extend beyond county.

Whenever a town district is proposed to be constituted the limits whereof extend into more than one county, the Governor shall, in the Proclamation constituting the same, declare the county wherein the whole of such town district shall be deemed to be included, and shall declare, in the same Proclamation, the boundaries of such county to be altered accordingly.

The Governor shall, as soon as may be after the passing of this Act, by Proclamation declare in what county shall be deemed to be included any existing town district situate, as above mentioned, in more than one county.

Whenever two town districts in the same county are situate within half a mile from each other, and a natural boundary such as a river, stream, or road runs through or along the lands intervening between the boundaries of such town districts, the Governor may, by proclamation, extend the boundaries of either of such districts so as to include all lands intervening between the boundary of the town district and such natural boundary aforesaid, notwithstanding that the limits fixed for the extent of a town district may be thereby exceeded.

4 Number of Board of Commissioners may be increased from five to seven.

When any Board of Commissioners consists of five members only, and has been constituted for two years, the Governor may, if he see fit, increase the number to be elected to seven, in the same manner as at the first constitution of the Board.

5 Biennial elections.

On the third Wednesday in September, one thousand eight hundred and eighty-four, and on the same day in every second year thereafter, all the members of every Town Board shall go out of office, and a general election of members shall take place.

6 Biennial elections not to be held if within six months of a general election.

When any first election or any general election of the whole of the members of a Town Board takes place within six months of the period fixed for the biennial general election of members, it shall not be necessary to hold such biennial election as prescribed; but the members of the Board in office at the time appointed for the biennial election shall remain in office till the next succeeding biennial election.

7 Conduct of elections.

The Governor may from time to time make all appointments and do all things otherwise necessary for the due conduct of any first or general election of members of a Town Board.

8 On failure of election extraordinary vacancy created.

Whenever there is a failure from any cause whatever to elect a member or members of a Town Board at any election, an extraordinary vacancy shall be created, which shall be supplied as provided in "The Regulation of Local Elections Act, 1876."

9 Proceedings for ouster of office against member or Chairman.

The Chairman or any member of the Board may be ousted from his office in the same manner as the Mayor or a member of a Borough Council may be, and the like proceedings shall be had for the purpose.

The provisions of sections ninety-seven to one hundred and one, both inclusive, of "The Municipal Corporations Act, 1876," shall, *mutatis mutandis*, apply in every such case.

10 Revocation of resolutions.

Any resolution of a meeting of the Board may be revoked or altered at a subsequent meeting by the vote of the members present at such subsequent meeting, or of a majority of them.

Provided that notice of such subsequent meeting, and of the proposal to revoke or alter such resolution, shall be given to each member of the Board seven days at least before such subsequent meeting.

11 Minutes of Board to be open to inspection.

The minute-book of the proceedings of the Board shall be kept in the office of the Board, and shall be open to inspection without fee, during all office hours, by any member, or by any creditor of the Board, or by any ratepayer of the district.

12 Board to provide public offices, and appoint officers, &c.

The Board shall provide and maintain a public office within the district, and shall publicly notify the situation of such office, and the hours during which it shall be open for public business; and may from time to time appoint and remove such officers as it shall think proper and necessary, and may, out of the funds of the Board, pay such salaries and allowances to the said officers respectively as the Board shall think reasonable.

No Chairman or member to hold office with salary.

No Chairman or other member of the Board shall be capable of being or continuing an officer of the Board except be consent to act without salary; but

no person shall be capable of filling the offices of Chairman and Clerk at the same time.

13 Portions of county or main roads within town district under control of by-laws of Town Board.

All such portions of any county or main roads as are within the boundary of any town district shall be subject to the operation of any by-laws for the time being in force within the town district passed by the Town Board thereof, notwithstanding that such roads are not under the control and management of such Town Board.

Ratepayers

14 Who are ratepayers.

Every person of the full age of twenty-one years whose name appears on the valuation roll of a town district as the occupier of any property shall be a ratepayer so long as such roll is in force and his name appears thereon.

15 Ratepayers' roll to be prepared.

The Clerk shall cause to be compiled, during the month of April in each year, from the valuation roll of the district, a list of all the ratepayers thereof; and such list, being signed by the Chairman and Clerk, shall be the ratepayers' roll for the district, and the entry of any person's name on such roll shall be conclusive evidence of the right of such person to vote at any election in the district of which such roll declares him to be a ratepayer.

If such a ratepayers' roll be not made out in any district, then the entry of any person's name on the valuation roll as an occupier of any property in the district shall be conclusive evidence of the right of such person to vote at any election in the district of which such roll declares him to be an occupier.

16 Chairman or Clerk to keep rolls of district.

The Chairman, or such person as the Board may appoint, shall keep the valuation roll and the ratepayers' roll, if there be one, in the office of the Board, and allow them, or printed copies thereof, to be inspected without fee by all persons interested therein during all office hours.

17 Ratepayers' roll and valuation roll to be open to public inspection.

Any written or printed copy attested by the Clerk to be a correct copy of the ratepayers' roll shall be evidence of the said roll and of the contents thereof, and shall be evidence that such roll has been made according to law, unless the contrary is proved; and no defect in the title to office of any person exercising the duties thereof, making, correcting, or signing such roll by virtue of such office, shall invalidate such roll.

*Loans***18 Special loans may be raised for public works as in boroughs on vote of ratepayers.**

If at any time it is desired to raise money for the purpose of constructing or establishing public works deemed necessary for the convenience, safety, or health of the inhabitants of any town district, the Town Board may borrow sums by way of special loan in the same manner as such loans are raised within boroughs; and the provisions of “The Municipal Corporations Act, 1876,” numbered from one hundred and forty to one hundred and seventy-two, all inclusive (except section one hundred and forty-three), so far as the same may be applicable, *mutatis mutandis*, shall apply in respect of every special loan raised under this Act, subject however to the condition following, that is to say,—

A proposal to raise a special loan shall be deemed to be carried only in case the votes given for the proposal exceed two-thirds of the total number of votes exercisable by all the ratepayers in the town district, in which case the Board may proceed with the proposal, otherwise the Board shall not so proceed.

19 Special rates to be levied as security for loans.

For the purpose of providing the interest and sinking-fund upon any loan raised by the Town Board, the Board shall, by special order, make and levy special rates in manner provided with respect to special rates made and levied within boroughs.

The provisions of “The Municipal Corporations Act, 1876,” numbered from one hundred and twelve to one hundred and fourteen, both inclusive, so far as the same may be applicable, shall, *mutatis mutandis*, apply to every special rate to be made and levied by a Town Board.

*Control of Moneys and Audit***20 License fees, &c., to be paid to Board.**

All revenues accruing, within the limits of a town district, from fees or other similar payments in respect of licenses or otherwise under any enactments relating to auctioneers, cemeteries, dog nuisance, pounds, slaughterhouses, or the sale of liquors, or from fines and penalties imposed thereunder respectively for any offence committed within the limits aforesaid, and all other revenues of any kind whatever accruing as aforesaid, which, if accruing within a borough, would, under any Act for the time being in force, be paid to the Council of such borough, except sums to be paid for licenses for vehicles or drivers, shall be paid over to the Town Board of the town district wherein the same respectively accrue.

21 Fees, &c., accrued may be recovered by Town Board.

All revenues as aforesaid which accrue within any town district shall be paid to the Board thereof by the persons who or the local body which may receive the same, and, if not so paid on request of the Board, may be sued for and recovered by the Board from such persons or local body respectively, in any Court of competent jurisdiction.

22 Fines and penalties also.

All fines and penalties imposed by the said Act or by this Act, or any by-law made under the authority thereof respectively, may, unless the contrary is expressed, be recovered before any two Justices of the Peace in a summary manner, and when recovered shall be paid over to the Town Board.

23 Continuing penalties.

Where any by-law made under the said Act or this Act provides a penalty for the breach thereof, such penalty may, in all cases where the breach is a continuing one, be any sum not exceeding five pounds for every day, or part of a day, during which the same shall continue.

24 Clerk of Court receiving penalties to pay same to Board.

The Clerk or other proper officer of the Court in which any fines or penalties under the said Act or this Act or any by-law made thereunder, respectively, or of any Act incorporated therewith, are recovered, shall, within ten days after the receipt thereof, pay the same over to the Town Board of the district within which the offence or breach for which such fines or penalties are imposed has been committed.

Whenever such fines or penalties are required to be paid in stamps, and have been so paid, the Clerk or such officer shall certify to the Colonial Treasurer the amount of the same, that they have been so paid, and the name of the Board entitled to receive the same; and thereupon the Colonial Treasurer, without the necessity of any appropriation by Parliament, shall pay the same out of the Consolidated Fund over to said Board.

25 Collector of money to pay same into bank.

Every person receiving any moneys of the Board, on behalf of the Board, amounting to five pounds and upwards, shall, within seven days after they shall have come to his hands, pay the same into such bank as the Board shall from time to time have appointed for that purpose, to the credit of the Board.

The bank shall give receipts for such moneys so paid in, and any such receipt shall be a sufficient discharge to such person for the amount named therein.

26 Accounts to be kept by Treasurer.

The Treasurer shall keep full and true accounts, in which he shall enter every sum received and every sum paid on account of the Town Board in the order of date of each such receipt and payment.

The Board may require from the Treasurer, at any time and from time to time, a full and particular statement of the accounts, assets, and liabilities of the Board.

27 Annual balance-sheet to be prepared.

On or before the seventh day of April in each year the Treasurer shall prepare and send to the Board a yearly balance-sheet, being an abstract of all the transactions in each of the accounts above mentioned during the year ending on the thirty-first day of March previous, together with the statements following:—

- (1.) A statement of the whole assets and liabilities of the Town Board upon the said thirty-first day of March;
- (2.) A statement of the reserves and other real property belonging to the Town Board, showing the terms, conditions, and rents for which any parts thereof are let on lease or otherwise, and the amount of the rents in arrear in each case:

And the Board shall, in the month of May, hold a special meeting for considering such balance-sheet and settling the same; and when so settled the Chairman shall sign the balance-sheet so settled.

28 Special provision as to balance-sheet for 1884.

If the financial year of any existing Board has hitherto terminated on some day other than the thirty-first day of March, then the balance-sheet to be delivered in accordance with the last-preceding section on or before the seventh day of April, one thousand eight hundred and eighty-four, shall only deal with the transactions from the period up to which the last yearly balance-sheet of such Board was carried until the thirty-first day of March, one thousand eight hundred and eighty-four.

29 Balance-sheet to be published.

The Board shall cause such balance-sheet and detailed statement of account to be published or posted in some public place for the information of the ratepayers.

*Repeals***30 Repeals.**

The several enactments and Provincial Ordinances hereunder enumerated are hereby repealed:—

Act of the General Assembly

1881, No. 35.—“The Town Districts Act, 1881.” In part, namely, sections nineteen, twenty-three, twenty-four, subsection ten of section thirty, and section forty-four.

Acts of the Province of Wellington

Sess. 2, No. 17.—“The Streets, Sewerage, and Drainage Act, 1855.” Sess. 4, No. 10.—“The Town Protection Act, 1857.”

Act of the Province of Nelson

Sess. 22, No. 2.—“The Towns Improvement Act, 1872.”

Act of the Province of Marlborough

Sess. 24, No. 10.—“The Picton and Havelock Improvement Act, 1872.”