

New Zealand.

ANALYSIS.

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1937, No. 11.—*Local and Personal.*

Title.	AN ACT to amend the Auckland Electric-power Board Act, 1921-22. [11th December, 1937.]
	BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—
Short Title.	1. This Act may be cited as the Auckland Electric-power Board Amendment Act, 1937, and shall be read together with and deemed part of the Auckland Electric-power Board Act, 1921-22 (hereinafter referred to as the principal Act).
Electors list and qualifications of electors.	2. (1) Subject to the provisions of this Act, on or before the thirty-first day of January in every year in which a general election of the Board is to be held, the Clerk shall, in the prescribed manner and form, make out a list, to be called "the Auckland Electric-power Board Electors List", setting forth the name, occupation,

address, and qualification of every person, male or female, of the full age of twenty-one years, who possesses any one of the following qualifications, that is to say:—

- (a) A freehold qualification, meaning thereby that he is the beneficial and duly registered owner of a freehold estate in land of the capital value of not less than twenty-five pounds in the district, whether subject to encumbrances or not, and notwithstanding that any other person is the occupier thereof or of any part thereof under any tenancy: *Cf.* 1933, No. 30, s. 6
- (b) A rating qualification, meaning thereby that he is the person whose name appears for the time being in the "Occupiers" column in the valuation roll in respect of any rateable property in the district:
- (c) A residential qualification, meaning thereby that he has resided for one year in New Zealand and has resided in the district during the three months then last past, and is a British subject either by birth or by naturalization having effect in New Zealand. For the purposes of this paragraph a person shall be deemed to reside in the place in which he has his permanent home:
- (d) An occupier's qualification, meaning thereby that he is and for at least three months then last past has been in occupation as a tenant or subtenant, or as one of several tenants or subtenants holding in joint tenancy or tenancy in common, of the whole or any portion of any house, warehouse, office, shop, or other building in the district under a tenancy, the rent under which is at the rate of not less than ten pounds a year for the tenant or subtenant (or, as the case may be, for each of the several tenants or subtenants):

Provided that where any tenant or subtenant sublets the whole or any portion of his premises the rent payable by him shall for the purposes of this paragraph be deemed to be reduced by the rent payable to him by his subtenant.

(2) In the case of husband and wife, any qualification possessed by either of them shall be deemed to be possessed by each of them.

(3) It shall be the duty of the Clerk to enter on the electors list the name of every person who, to the knowledge of the Clerk, possesses any qualification entitling him to be entered thereon, or who in the prescribed form makes claim to be entered thereon:

Provided that the Clerk, if the Board so directs, shall not, except pursuant to a claim in the prescribed form, place on the electors list the name of any person whose name appeared by virtue only of a residential qualification on the electors roll in force for the last general election of members of the Board if such person, not being a candidate and not having voted at that election, did not vote at any one of any subsequent elections of a member or members of the Board at which he was entitled to vote.

(4) Every person who wilfully makes a false claim to have his name entered on the electors list is liable to a fine not exceeding five pounds.

Electors name
to appear once
only on list
or roll.

Cf. 1933,
No. 30, s. 8

3. (1) The name of any person shall not appear more than once on the electors list or the electors roll.

(2) Where a person has a rating qualification and another qualification his name shall be entered on the electors list and roll in respect of his rating qualification only.

(3) Except as provided in the last preceding subsection, a person having more qualifications than one may select the qualification in respect of which his name shall be entered on the electors list and roll.

(4) In default of a selection being made under the last preceding subsection, the Clerk may select the qualification.

Objections to
electors list
or roll.

Cf. *ibid.*, s. 9

4. (1) Any person may, in the prescribed time, manner, and form, lodge with the Board an objection under his hand to the electors list or the electors roll on either of the following grounds:—

(a) That any person whose name is on the said list or roll in respect of any qualification does not possess such qualification at the time when the objection is lodged:

(b) That any person whose name is not on the said list or roll possesses the necessary qualification at the time when the objection is lodged and is entitled to have his name inserted.

(2) The Board shall forthwith after receipt of any such objection inquire into and dispose of the same.

5. (1) The Board shall from time to time, whether upon any objection as aforesaid or of its own motion, amend the electors list or the electors roll for the district by adding to such list or roll the name of any person who then in fact possesses the necessary qualification but is not entered thereon, and by erasing therefrom the name of any person who does not then in fact possess the necessary qualification but is entered thereon.

Corrections of
list or roll.
Cf. 1933,
No. 30, s. 10

(2) The Board shall also from time to time make in the electors list or roll any necessary corrections in the statement of the names, addresses, and qualifications of persons enrolled thereon.

(3) The functions conferred upon the Board by this section shall be exercised by the Clerk when the Board is not actually sitting.

(4) In particular, but without affecting the general operation of the foregoing provisions of this section, the Board shall hold a sitting on a day in the month of March (not later than the fifteenth) in each year in which a general election of members of the Board is to be held, and at that sitting or any adjournment thereof shall amend the electors list by adding or erasing names and making all necessary corrections as hereinbefore provided to the intent that as far as may be the list may correctly set forth the name, address, and occupation of every person possessing the requisite qualification, and of no other person.

6. (1) Any person aggrieved with any decision or act of the Board or of the Clerk, touching the electors list or roll, may in the prescribed manner and within the prescribed time appeal therefrom to a Stipendiary Magistrate, who shall hear and determine the appeal, and may order such alterations in and additions to the list or roll to be made as he thinks just.

Appeal by
person
aggrieved.
Cf. *ibid.*, s. 11

(2) All such alterations and additions shall be made by the Clerk, and initialled by the Magistrate.

Electors roll.
Cf. ibid., s. 12

7. (1) The electors list shall be corrected, completed, and authenticated in the prescribed manner and time, and, subject to the provisions of section nine hereof, shall on the first day of April next ensuing become the electors roll of the district, and shall remain in force until another electors roll comes into force for the district.

(2) All corrections and additions required to be made after the completion of the electors roll shall be made on a supplementary electors list, which shall be corrected, completed, and authenticated in the same manner as in the case of the electors roll, and thereupon shall become a supplementary electors roll, and shall form part of the electors roll.

Roll closed
twenty-eight
days before
election.
*Cf. 1933,
No. 30, s. 13*

8. (1) The electors roll shall be deemed to be closed at five o'clock in the afternoon of the twenty-eighth day preceding the day appointed for any election or poll, and shall continue closed until the election is completed or the poll taken.

(2) Except pursuant to appeal under section six hereof in cases where the appeal was pending at the time when the roll was closed or for the purpose of complying with a claim for enrolment or of an application for the alteration of an entry in the roll delivered to the Clerk before the closing of the roll, no alteration or addition shall be made in or to the electors roll for the district whilst it is closed as aforesaid.

Electors roll
of constituent
district may
form part of
electors roll
under this
Act.

See Reprint
of Statutes,
Vol. V,
p. 333

9. (1) The district electors roll to be compiled under the Municipal Corporations Act, 1933, in respect of any city or borough that is a constituent district, or the electors roll to be compiled under the Town Boards Act, 1908, in respect of any town district that is a constituent district, shall, if the Board on or before the first day of January in any year in which a general election of the Board is to be held so directs, form part of the Auckland Electric-power Board electors roll.

(2) Public notification shall be made by the Board of any direction given under the last preceding subsection within fourteen days of the giving of such direction.

(3) Notwithstanding the provisions of the foregoing sections of this Act, no person whose name is on an electors roll in respect of which a direction is given under subsection one of this section shall be entitled to have his name on the roll compiled under this Act.

(4) It shall be the duty of the Clerk of the local authority of any constituent district to supply to the Board a certified copy of the electors roll in respect of which any such direction has been given together with as many copies thereof as the Board may require.

(5) The Board shall pay the sum of one shilling for each such copy.

10. (1) Every person whose name appears on the electors roll for the time being in force for the district shall be an elector for the purposes of the principal Act, and shall be entitled to vote at every poll taken for an election under the principal Act and also at every poll taken on any proposal that under the principal Act is submitted to the votes of the electors:

Electors and
voting-power.
Cf. 1933,
No. 30, s. 15

Provided that he shall not be entitled to vote at a poll taken on any proposal relating to loans or rates by reason only of a residential qualification or an occupier's qualification.

(2) Every elector shall have one vote and no more at each poll at which he is entitled to vote.

(3) Except where otherwise expressly provided in any case, the majority required to determine any election or carry any proposal shall be a majority of the valid votes cast at the poll.

11. All elections and polls under the principal Act shall be held and conducted under the provisions in that behalf of the Local Elections and Polls Act, 1925:

Elections to
be held under
Local Elections
and Polls
Act, 1925.

Provided that at all such elections and polls the poll shall close at seven o'clock in the afternoon of the day appointed for the election or poll and not earlier.

Cf. *ibid.*, s. 17
See Reprint
of Statutes,
Vol. V, p. 447

12. (1) At any election or poll under the principal Act only persons whose names are included in the electors roll shall be entitled to vote.

Conduct of
poll.

(2) At any such election or poll the vote of any elector may be recorded at any polling-place within any constituent district, or at any polling-place which may be specially appointed as a polling-place at which may be recorded the votes of electors.

(3) For the purposes of any such election or poll the Returning Officer appointed by the local authority of a constituent district may be appointed a Returning Officer or Deputy Returning Officer of the Board.

Date of
general
election.

13. (1) Within the last fifteen days of the month of May in the year nineteen hundred and thirty-eight and during the same period in the month of May in every fourth year thereafter a general election of members of the Board shall be held.

Repeal.

(2) Section ten of the principal Act is hereby consequentially repealed.

Qualification
of Board
member.

14. No person other than an elector on the electors roll of the district shall be capable of being elected or appointed as a member of the Board.

Certain
regulations
under
Municipal
Corporations
Act, 1933,
applied in
respect of
this Act.

15. Any regulations for the time being in force under the Municipal Corporations Act, 1933, and relating to provisions in that Act corresponding materially to provisions in this Act shall, with the necessary modifications, apply in respect of this Act, and the expression "prescribed" where it occurs herein shall be deemed to mean prescribed by such regulations.

Repeals.

16. (1) Subsections two, three, and four of section five, sections six, seven, and eight, and subsection one of section eleven of the principal Act are hereby repealed.

(2) Section two of the Auckland Electric-power Board Amendment Act, 1924, is hereby repealed.