

New Zealand.



ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Interpretation. 3. Additional persons entitled to be enrolled on burgess roll. 4. Freehold qualification. 5. Residential qualification. 6. Residential qualification as occupant of portion of building. 7. Lists of persons possessing freehold and residential qualifications. 8. Lists for each ward of borough. 9. Lists to form separate parts of burgess list. | <ol style="list-style-type: none"> 10. Enrolment in respect of one qualification only. 11. Objections to burgess list. 12. Voting-powers and other rights of persons enrolled under this Act. Voters to be questioned as to residential qualification. 13. Voter to be questioned as to freehold or ratepayers' qualification. 14. No one to have more than one vote. 15. Dual qualification for husband and wife. 16. Polling-places. 17. Acts modified. 18. Regulations. |
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1898, No. 10.

- Title.** AN ACT to extend and amend the Franchise in the Case of Boroughs. [15th October, 1898.]
- 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. The Short Title of this Act is “The Municipal Franchise Reform Act, 1898,” and it shall form part of and be read together with “The Municipal Corporations Act, 1886” (hereinafter called “the principal Act”).
- Interpretation.** 2. In this Act, if not inconsistent with the context,—
- “Local governing Act” includes—
- (1.) “The Local Bodies’ Loans Act, 1886”;
 - (2.) “The Government Loans to Local Bodies Act, 1886”;
 - (3.) “The Rating on Unimproved Value Act, 1896”;
 - (4.) Any other Act now or hereafter in force providing for any proposal being submitted to a poll of the ratepayers or burgesses of a borough:
- “Residential occupant” means any person who is in occupation as tenant or sub-tenant, whether joint or several, of any house, warehouse, office, shop, or other building: Provided that the tenancy shall be at the rate of not less than ten pounds per year for each residential occupant thereunder.

3. In addition to the persons who under the principal Act are entitled to be enrolled on the burgess list and the burgess roll of a borough, every person shall be so entitled who possesses within such borough either the freehold or the residential qualification hereinafter created.

Additional persons entitled to be enrolled on burgess roll.

4. Every person shall be deemed to possess a freehold qualification within a borough if he is the beneficial owner of a freehold estate in land of the capital value of not less than twenty-five pounds situate within such borough, notwithstanding that under the principal Act any other person may be enrolled or entitled to be enrolled as a ratepayer in respect thereof:

Freehold qualification.

Provided that, where such land is situate partly in one ward of the borough and partly in another, it shall, for the purposes of this Act, be deemed to be wholly situate in the ward wherein the greater part of the area of such land is situate.

5. Every person shall be deemed to possess a residential qualification within a borough if he is a residential occupant therein and for at least three months then last past has been a residential occupant within such borough.

Residential qualification.

6. Notwithstanding anything in the principal Act or in this Act contained, every person duly qualified as a residential occupant within the meaning of section two and section five of this Act shall be entitled to be registered on the residential list, notwithstanding that he may occupy only a portion of any house, warehouse, office, shop, or other building.

Residential qualification as occupant of portion of building.

7. The Town Clerk shall, between the first and the fourteenth days of April in each year, make out two separate lists, to wit,—

Lists of persons possessing freehold and residential qualifications.

(1.) A freehold list, containing the names of all persons who, on the thirty-first day of March then last past, possessed within the borough the freehold qualification created by this Act; and also

(2.) A residential list, containing the names of all persons who were then similarly possessed of the residential qualification created by this Act.

8. In every case where the borough is divided into wards, each such list shall be made out separately in respect of each such ward.

Lists for each ward of borough.

9. Such lists shall be deemed to form separate parts of the burgess list, and all the provisions of the principal Act, in so far as the same are applicable, shall, *mutatis mutandis*, apply thereto accordingly.

Lists to form separate parts of burgess list.

10. No person shall be entered on the burgess list in respect of more qualifications than one, whether such qualifications are created by this Act or the principal Act:

Enrolment in respect of one qualification only.

Provided that, except in the case of a ratepayer, any person who possesses more qualifications than one may select the qualification in respect whereof he desires to be entered on such list.

11. Any person, whether his name is on the valuation roll or not, may, in the manner and within the time prescribed by the principal Act, object to the burgess list on the grounds specified in that Act, or on any of the following grounds:—

Objections to burgess list.

(1.) That any person whose name is entered on such list in respect of any specified qualification does not possess the

same, or that his name is entered thereon in respect of more qualifications than one; or

- (2.) That any person whose name is not entered on such list possesses a qualification entitling him to be entered thereon.

Voting-powers and other rights of persons enrolled under this Act.

12. With respect to every person who is enrolled on the burgess roll by virtue of any qualification created by this Act, the following provisions shall apply:—

- (1.) He shall, subject to the provisions of this Act, have all the rights of voting and other the rights which by the principal Act or any local governing or other Act are conferred upon a ratepayer or burgess of the borough:

Provided that, if his qualification is residential, he shall not be entitled to vote at any poll relating to loans or rates.

- (2.) He shall not be entitled to vote at any election of a member of the Borough Council for any ward of the borough, or on any proposal submitted to a poll of the ratepayers or burgesses of such ward, unless his name is on the burgess roll of such ward:

Nor unless, if his qualification is residential, he is then, and during the preceding three months has been, a residential occupant within the borough.

Voters to be questioned as to residential qualification.

- (3.) Before allowing any person to vote in respect of the residential qualification, the Returning Officer may, if he thinks fit, and shall if so requested by any scrutineer, put to the intending voter the following questions:—

(a.) Are you the person whose name appears as [A. B.] on the roll of the [Name of borough or ward] by virtue of the residential qualification?

(b.) Are you now and have you for the preceding three months been in occupation, as tenant or sub-tenant, whether joint or several, of any house, warehouse, office, shop, or other building within the [Name of borough]?

- (4.) If the person to whom such questions are put as aforesaid fails to distinctly answer both of them in the affirmative he shall not be permitted to vote, and if he wilfully gives a false answer to either of them he is liable to a penalty not exceeding five pounds, and his vote, if recorded, shall be void.

Voter to be questioned as to freehold or ratepayers' qualification.

13. Before allowing any person to vote in respect of the freehold qualification created under this Act, or under any qualification given under the principal Act, the Returning Officer may, if he thinks fit, and shall if so requested by any scrutineer, put to the intending voter the following questions:—

- (a.) Are you the person whose name appears as [A. B.] on the roll of the [Name of the borough or ward] by virtue of the freehold or other qualification?

- (b.) Are you now possessed of the freehold land or ratepayers' qualification of the property which qualified you to be enrolled on the roll?

If the person to whom such questions are put as aforesaid fails

to distinctly answer both of them in the affirmative he shall not be permitted to vote, and if he wilfully gives a false answer to either of them he is liable to a penalty not exceeding five pounds, and his vote, if recorded, shall be void.

14. Every person who is enrolled on the burgess roll by virtue of any qualification created by this Act or the principal Act shall have one vote and no more at any poll at which he is entitled to vote. **No one to have more than one vote.**

15. In the case of husband and wife, any qualification possessed by one of them, whether under this Act or the principal Act, shall be deemed to be possessed by each of them. **Dual qualification for husband and wife.**

16. (1.) At every election of a Mayor of a borough divided into wards, where the inhabitants of such borough are more than three thousand, there shall be a separate polling-place in each ward; but, in the case of boroughs where the inhabitants are three thousand or less, there shall be such number of polling-booths as the Council thinks fit to appoint. **Polling-places.**

(2.) In the case of an undivided borough there shall, at every election of the Mayor or any Councillor, and at every poll taken on any proposal submitted to the ratepayers or burgesses under the principal Act or any local governing Act, be such number of separate polling-places, and in such convenient parts of the borough, as the Council thinks fit to appoint, being in no case less than in the proportion of one polling-place for every two thousand ratepayers or burgesses as shown on the burgess roll.

17. The principal Act and every local governing or other Act which are in any way in conflict with this Act are hereby modified in so far as such conflict exists, but not further or otherwise. **Acts modified.**

18. The Governor may from time to time, by Order in Council gazetted, make such regulations in conformity with this Act as may be necessary in order to give full effect to this Act; and such regulations shall be laid upon the table of the House of Representatives, if not in session, within ten days after the opening of Parliament, and, if in session, within two days. **Regulations.**