

Serial Number 1947/97



THE MUNICIPAL ENROLMENT REGULATIONS 1947

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 25th day of
June, 1947

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Municipal Corporations Act, 1933, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS

1. These regulations may be cited as the Municipal Enrolment Regulations 1947.

2. These regulations shall come into force on the fourteenth day following notification in the *Gazette* of the making thereof.

3. In these regulations, unless inconsistent with the context, "the said Act" means the Municipal Corporations Act, 1933.

4. Regulations 1 to 25 inclusive of the regulations* made under the Municipal Corporations Act, 1920, dated the 30th day of August, 1921, and the First, Second, Third, and Fourth Schedules thereto, are revoked.

5. The district electors list, to be compiled on or before the 31st day of July in every year in which a general election of the Council is to be held, as provided by section 6 of the said Act, shall be in the form numbered 1 in the Schedule hereto and shall contain the particulars specified therein. In stating the qualification of an elector for the purposes of the said form it shall be sufficient in the case of a freehold qualification, rating qualification, or residential qualification to insert the word "freehold," "rating," or "residential" respectively, or any distinctive abbreviation of such word, and in the case of a qualification conferred by section 7 of the Local Elections and Polls Amendment Act, 1941, to insert the words "State tenant" or any distinctive abbreviation of those words.

6. The names of electors entered on the district electors list shall be numbered consecutively in alphabetical order of surnames.

* *Gazette*, 1st September, 1921, Vol. III, page 2243.

7. Every claim for enrolment shall be in the form numbered 2 in the Schedule hereto, or to the like effect, and the claimant's signature shall be attested by a Justice of the Peace, or a Postmaster, or a minister of religion, or an elector of the borough, or the Town Clerk, or the Returning Officer.

8. It shall be the duty of the Council to keep at the Town Clerk's office a supply of blank printed forms of claim for enrolment for the free use of claimants.

9. Subject to the proviso to subsection (3) of section 6 of the said Act, names appearing on the district electors roll for any year shall be continued on the next succeeding district electors list, except in the case of persons who are known to the Town Clerk to have died or to have lost their qualification; and it shall be his duty to report to the Council all names thus omitted and the reasons for the omission. The Town Clerk shall send by post to every person whose name is omitted as having lost his qualification a written notice addressed to him at his last place of residence known to the Town Clerk, and informing him of the fact of such omission.

10. The Town Clerk shall keep the district electors list in his office, and allow it to be inspected without fee by all persons interested therein during office hours from the 1st until the 7th day of August of the year in which the list is compiled; and he shall, on or within twenty-one days before the said 1st day of August, publicly notify that the said list is or will be ready for inspection as aforesaid.

11. All objections under section 9 of the said Act shall be in writing under the hand of the objector, in the form numbered 3 in the Schedule hereto, and must be addressed to the Town Clerk, and delivered at his office on or before the 15th day of August, in the year in which the list is compiled.

12. The Town Clerk shall make and sign a list of all such objections in the form numbered 4 in the Schedule hereto, and shall keep that list in his office, and allow it to be inspected without fee by any person interested therein during office hours from the 16th to the 20th day of August.

13. In every supplementary district electors list to be made pursuant to subsection (2) of Section 12 of the said Act, the names of electors shall be entered therein in alphabetical order of surnames, and shall be numbered consecutively, commencing with the number next following the last number in the district electors list, or in the last previous supplementary list as the case may be.

14. Appeals to a Magistrate under section 11 of the said Act against the district electors list may be made as follows:—

- (a) An objection in writing under the hand of the objector shall be lodged by him with the Clerk of the Magistrate's Court nearest to the public office of the Council not later than the 19th day of September, and a copy of that objection shall also be lodged by the objector with the Town Clerk not later than the said 19th day of September:
- (b) The objection may be in the form numbered 3 in the Schedule hereto, or as near thereto as may be:
- (c) The Magistrate shall hear and determine the appeal at such convenient place and time, not being later than the 27th day of September as he appoints, and not less than three days' notice shall be given by the Clerk of the said Court to the Council and to the appellant of the place and time so appointed:

- (d) A notice of place and time of hearing may be sent by post, but if so sent shall be posted so as to reach its address in the ordinary course of post not later than three days before the day appointed for hearing, and the notice to the appellant if so sent shall be sufficient if addressed to him at the address set out in his objection.

15. Appeals to a Magistrate under section 11 of the said Act against the district electors roll or a supplementary district electors list or roll may be made as follows :—

- (a) An objection in writing under the hand of the person objecting and in the form numbered 3 in the Schedule hereto, or as near thereto as may be, shall be lodged by that person with the Clerk of the Magistrate's Court nearest to the public office of the Council :
- (b) The objection shall be so lodged not later than the day on which the district electors roll is closed for the purposes of any election or poll :
- (c) Not later than the day next after the objection is so lodged the person objecting shall sign and deliver a copy of the objection to the Town Clerk :
- (d) The Magistrate shall appoint a convenient place and time, being not later than three days after the objection is lodged for the hearing and determining thereof, and notice of the place and time so appointed shall be given by the Clerk of the said Court to the Council and to the appellant not later than the day next preceding the day appointed for hearing :
- (e) A notice of place and time of hearing may be sent by post, but if so sent shall be posted so as to reach its address in the ordinary course of post not later than the day next preceding the day appointed for hearing, and the notice to the appellant if so sent shall be sufficient if addressed to him at the address set out in the objection.

16. For the purpose of an election to fill any extraordinary vacancy in the office of Mayor or Councillor or for the purposes of any poll supplementary district electors lists and rolls shall be prepared in the manner prescribed by the said Act and Regulation 13.

17. A copy of the district electors roll, and of all its supplements, and also the original roll with all its amendments and corrections, shall be kept open for public inspection at the office of the Town Clerk during office hours without fee.

18. The roll required under section 14 of the said Act shall be prepared by striking out from the district electors roll and from every supplementary district electors roll in force within the borough, on the twenty-eighth day previous to the taking of the poll for which such roll is required, the name of every person whose name appears on such rolls and is not entitled to vote at such poll, and the name of every other person whose name appears on such rolls more than once (except where that name first appears) ; and no other alterations shall be made in any such roll after that day until after the taking of the poll.

19. In case the district electors list for any borough or ward is not, from any cause whatever, made out, completed, and authenticated so as to become the district electors roll on the 1st day of October, or within any extension of time allowed under section 387 of the said Act, the district electors roll for that borough or ward in force on the 30th day of September shall remain in force until another district electors roll comes into force for the same borough or ward.

20. (1) As soon as practicable after the original district electors roll or any supplementary district electors roll, or roll under section 14 of the said Act, comes into force, copies thereof shall (except as hereinafter provided) be printed by the Council.

(2) The Council may by resolution decide that such roll or supplementary roll shall, in lieu of being printed, be typewritten or mimeographed, or prepared by any other convenient method available for the multiplication of clear and legible copies, and the same shall be prepared accordingly.

(3) The Town Clerk shall supply any person with a copy of the district electors roll, together with all its supplements, on payment of 1s.

21. The Town Clerk is liable to a fine not exceeding £5 in every case where he refuses, or wilfully neglects, or unreasonably delays—

(a) To place on the district electors list the name of any person who makes and delivers or transmits to him at his office a claim for enrolment in the form provided by Regulation 7 hereof; or

(b) Faithfully and promptly to perform any other duty imposed on him by these regulations.

22. If the Council fails or unreasonably delays to keep at the Town Clerk's office a supply of blank printed forms of claims for enrolment for the free use of claimants, as provided by Regulation 8 hereof, or faithfully and promptly to perform any other duty imposed on it by these regulations, every person (whether the Town Clerk or any member of the Council) who is party to or responsible for such failure or delay is severally liable to a fine not exceeding £5.

23. When a borough is first divided, or is redivided, into wards, the Town Clerk shall prepare a separate district electors roll for each ward, or for each ward affected by the redivision; and the Town Clerk shall forthwith make up from the district electors roll or rolls in force a new district electors roll for each such ward, and shall place on the roll of each such ward the name of each elector who appears from the existing district electors roll to be entitled to vote therein.

24. The Town Clerk shall also in like manner make new district electors rolls for any ward or wards affected by any creation, abolition, or division of wards, or alteration in their boundaries.

25. Whenever any area is included in a borough the Town Clerk shall forthwith make a new district electors roll from the district electors roll in force in the borough or any ward affected and the roll of electors in force in such area and place thereon the name of every person whose name appears on any such roll and who possesses the necessary qualification entitling him to be enrolled as an elector of the borough or ward as the case may be.

26. Whenever any area is excluded from a borough the Town Clerk shall forthwith remove from the district electors roll or rolls in force in such borough or any ward thereof respectively the name of every person whose name appears on such roll or rolls as possessing a qualification entitling him to be entered thereon only in respect of the area so excluded.

27. The rolls made or altered under any of the four last preceding regulations shall, when authenticated in the manner prescribed by Regulation 28 hereof, be the district electors rolls for such borough or ward or wards, as the case may be, until new rolls are made up in accordance with the said Act and the regulations thereunder.

28. (1) The district electors list, and every supplementary district electors list, and every roll or supplementary roll made pursuant to the said Act or these regulations, shall be authenticated by the Mayor and two Councillors by the appending thereto of a certificate in the following form or to the effect thereof.

“Certified pursuant to Regulation 28 of the Municipal Enrolment Regulations 1947 to be correct.

....., Mayor
 , Councillor
 , Councillor.”

(2) Where from any cause the foregoing provisions of this regulation cannot be complied with such lists or rolls may be authenticated by the Town Clerk, by the appending thereto of a certificate in the following form or to the effect thereof :

“Certified pursuant to clause (2) of Regulation 28 of the Municipal Enrolment Regulations 1947 to be correct.

....., Town Clerk.”

SCHEDULE

Form No. 1

(Reg. 5)

FORM OF DISTRICT ELECTORS LIST FOR AN UNDIVIDED BOROUGH OR A WARD OF A BOROUGH DIVIDED INTO WARDS

Under the Municipal Corporations Act, 1933

Number.	Name in Full, Surname first.	Occupation.	Qualification.	Address of Qualifying Property or Qualifying Residence.

Signature :....., Town Clerk.

Form No. 2

(Reg. 7)

FORM OF CLAIM FOR ENROLMENT

Under the Municipal Corporations Act, 1933

Claim for Enrolment on the District Electors List of the [..... Ward of the] Borough of

To the Town Clerk.

I, [Full name, occupation, and place of residence], hereby claim to be enrolled on the district electors list of [the Ward of] the Borough of, on the grounds that I possess :—

[In the case of a freehold qualification]

A freehold qualification, for I am the beneficial and duly registered owner of a freehold estate in the following land within [the Ward of] the borough, the capital value whereof is not less than £25 :—

Building, if any,..... ; Section,..... ; Block,.....
 Street,..... ; Number on valuation list, if known,.....

[In the case of a rating qualification]

A rating qualification in respect of the following property within [the Ward of] the borough :—

Building, if any,.....; Section,.....; Block,.....; Number on valuation list, if known,.....; Term of lease, if any,.....

[*In the case of an ordinary residential qualification*]

A residential qualification, for I have resided for one year in New Zealand, and during the three months now last past in [the Ward of] the borough, and am a British subject by birth [or by naturalization having effect in New Zealand].

[*In the case of a returned servicemen's residential qualification*]

A residential qualification, for I have served outside New Zealand in connection with the war which in 1944 was described as the present war with His Majesty's Naval [or Military or Air] Forces [or in a British ship which was not a home-trade ship within the meaning of the Shipping and Seamen Act, 1908] and am residing in [the Ward of] the borough and am not enrolled by virtue of a residential qualification on any other list or roll of electors of a local authority and am a British subject by birth [or by naturalization having effect in New Zealand].

[*In the case of a State tenancy qualification*]

The qualification of being for the time being the tenant of a dwelling leased to me under part I of the Housing Act, 1919. The address of this dwelling is :.....

Declaration to be signed by every claimant

I hereby solemnly and sincerely declare that the foregoing statements are true, and that I verily believe myself to be entitled to be enrolled in terms of this my claim.

Dated at, this day of, 19..

....., Claimant.

Signed by the said, the claimant, in the presence of me—

Justice of the Peace.

or Postmaster.

or Minister of Religion.

or Elector of the Borough of.....

or Town Clerk.

or Returning Officer.

NOTE.—By section 6 of the Municipal Corporations Act, 1933, every person who wilfully makes a false claim to have his name entered on the district electors list is liable to a fine not exceeding £5.

Form No. 3

(Regs. 11, 14, 15)

FORM OF OBJECTION TO DISTRICT ELECTORS LIST OR ROLL

Under the Municipal Corporations Act, 1933

A. Particulars of Person Objecting

1. Full name :.....
2. Occupation :.....
3. Full postal address :.....

B. Objection to an Entry in the List or Roll

1. Name objected to :.....
2. No. on list or roll :.....
3. Qualification shown :.....
4. Exact defect alleged in qualification :.....
5. Any other particulars offered in support of objection :.....

C. Objection to an Omission from the List or Roll

1. Name of elector alleged to be omitted :.....
2. Qualification alleged to be possessed (to be stated as in application for enrolment) :.....
3. Any other particulars offered in support of objection :.....

D. Terms of Objection

I, the person herein named as objector, do hereby object to the district electors list [or roll] of [the Ward of] the Borough of [name of borough] in the respect hereinbefore set out.

Given under my hand, this day of, 19....

Signature of objector :.....

Received by me this day of, 19....

Signature :.....

Town Clerk.

Form No. 4

(Reg. 12)

LIST OF OBJECTIONS TO THE DISTRICT ELECTORS LIST
Under the Municipal Corporations Act 1933

Name of Person objecting.	Name of Person alleged to be		Short Particulars of Alleged Defect or Qualification.
	Wrongly entered.	Wrongly omitted.	

Signature :....., Town Clerk.

W. O. HARVEY,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.
Date of notification in *Gazette* : 26th day of June, 1947.
These regulations are administered in the Department of Internal Affairs.