

ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

****

CAP. XLVIII.

An Act respecting the Establishment and Government of Provinces in *New Zealand*, and to enable the Legislature of *New Zealand* to repeal the Seventy-third Section of an Act, intituled *An Act to grant a Representative Constitution to the Colony of* New Zealand. [29th *July* 1862.]

WHEREAS by an Act of the Session holden in the Fifteenth and Sixteenth Years of Her Majesty, intituled *An Act to grant a Representative Constitution to the Colony of* New Zealand, it was provided that certain Provinces therein mentioned should be established in the said Colony, and that in every such Province there should be a Provincial Council, and that there should be in the said Colony a General Assembly competent to make Laws for the Peace, Order, and good Government of the same; and by the Sixty-ninth Section of the said Act it was further provided, that it should be lawful for the said General Assembly to constitute new Provinces in the said Colony, and to appoint the Number of Members of which the Provincial Councils thereof should consist, and to alter the Boundaries of any Provinces for the Time being existing; provided always, that any Bill for any of the said Purposes should be reserved 15 & 16 Vict c. 72.

for the Signification of Her Majesty's Pleasure thereon: And whereas by an Act of the Session holden in the Twentieth and Twenty-first Years of Her Majesty, intituled *An Act to amend an Act for granting a Representative Constitution to the Colony of* New Zealand, it was enacted, that the Sixty-ninth Section of the said first-recited Act should be repealed, and that it should be lawful for the said General Assembly to alter, suspend, or repeal all or any of the Provisions of the said Act, except certain Sections therein specified: And whereas the said General Assembly, by an Act passed in a Session holden in the Twenty-first and Twenty-second Years of Her Majesty, intituled *An Act to provide for the Establishment of new Provinces in* New Zealand, or, more shortly, "The New Provinces Act, 1858," did authorize the Governor of the said Colony to establish such new Provinces in manner therein mentioned, and the said Governor did establish certain new Provinces accordingly: And whereas Doubts are entertained whether it was competent to the said General Assembly to make such Provision and to the said Governor to establish such new Provinces as aforesaid: And whereas, for the removing of such Doubts, an Act was passed in the now last Session of Parliament, intituled *An Act to declare the Validity of an Act passed by the General Assembly of* New Zealand, *intituled 'An Act to provide 'for the Establishment of new Provinces in* New Zealand:' And whereas it is expedient to repeal the said last-mentioned Act of Parliament, and to make fresh Provision respecting the Establishment of new Provinces in *New Zealand:* Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

20 & 21 Vict. c. 53.

24 & 25 Vict. c. 30.

24 & 25 Vict. c. 30. repealed.

1. The said last-mentioned Act of Parliament shall be and the same is hereby repealed.

"New Provinces Act, 1858," confirmed.

2. The said "New Provinces Act, 1858," (except so far as the same shall have been altered by any Act subsequently passed by the said General Assembly,) shall be and be deemed to have been from the Date of the passing thereof valid and effectual for all Purposes whatever, and all Matters and Things done under and in pursuance of Authority created or given or expressed to be created or given by the same Act shall be deemed to have been of the same Force and Effect as if the said Act and everything therein contained had from the above-mentioned Date been actually so valid as aforesaid.

General Assembly to provide for the Establishment of

3. Subject to the Conditions herein-after mentioned, it shall be lawful for the said General Assembly, by any Act or Acts to be by them from Time to Time passed, to establish or provide for the Establishment of new Provinces in the Colony of *New Zealand*, and

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to alter or to provide for the Alteration of the Boundaries of any Provinces for the Time being existing in the said Colony, and to make Provision for the Administration of any such Provinces, and for the passing of Laws for the Peace, Order, and good Government thereof, and therein to repeal or alter any of the Provisions of the Two first herein-before recited Acts of Parliament relating to such Provinces, or to the Superintendents and Provincial Councils thereof. new Provinces in New Zealand.

4. It shall not be lawful for the General Assembly to make any Law inconsistent with the following Provisions; that is to say, General Assembly not to make Laws inconsistent with Provisions herein mentioned.

(1.) In every Province of *New Zealand* there shall be an Officer designated the Superintendent, who, unless any Provision shall be made to the contrary in any Act of the General Assembly, shall be capable of being elected and acting as a Member of the Council of the same Province:

(2.) No Provincial Law shall take effect until it shall have received the Assent in Writing either of the said Superintendent or of the Governor of *New Zealand*:

(3.) In giving or refusing his Assent to any Provincial Law, or in reserving the same for the Signification of the Governor's Pleasure, the Superintendent shall conform to such Instructions in Writing as he may from Time to Time receive from the Governor:

(4.) In case the Superintendent shall assent to any Provincial Law he shall forthwith transmit to the Governor an authentic Copy thereof:

(5.) It shall be lawful for the Governor at any Time after the Date of such Assent, and until the Expiration of Three Months after such authentic Copy of any Provincial Law shall have been received by him, to declare by Proclamation his Disallowance of such Law, and such Disallowance shall make void and annul the same from and after the Day of the Date of such Proclamation or any subsequent Day to be named therein:

(6.) It shall not be lawful for the Council or other Legislative Body of any Province to pass, or for the Superintendent or Governor to assent to, any Bill appropriating any Money to the Public Service, unless the Superintendent or Governor shall first have recommended to the Council to make Provision for the specific Service to which such Money is to be appropriated, and no such Money shall be issued or made issuable except by Warrants to be granted by the Superintendent or Governor:

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(7.) It shall not be lawful for any such Council or other Body as aforesaid to pass, and for the said Superintendent or Governor to assent to, any Law which shall be repugnant to the Law of *England* or to any Enactment of the said General Assembly.

Limitation of Governor's Powers of Assent to Bills.

5. It shall not be competent to the Governor of *New Zealand* to assent to any Bill passed by the Legislature of *New Zealand* which shall repeal or alter any of the Provisions of the Nineteenth Clause of the first herein-before recited Act of Parliament, but the said Governor (unless he shall refuse his Assent to such Bill) shall reserve the same for the Signification of Her Majesty's Pleasure.

Repeal of Parts of Two first-recited Acts.

6. So much of the Two first herein-before recited Acts of Parliament as is inconsistent with the Provisions of this Act is hereby repealed.

Application of Acts to future Provinces.

7. Subject to the Provisions of this Act, and of the said New Provinces Act, the said Two first herein-before recited Acts of Parliament shall apply to all Provinces at any Time existing in *New Zealand*, in like Manner and subject to the same Conditions as the same apply to Provinces established by the first herein-before recited Act of Parliament.

Power to General Assembly to repeal or alter Sect. 73 of 15 & 16 Vict. c. 72.

8. And whereas it is expedient to enable the General Assembly of *New Zealand* to repeal the Seventy-third Section of the first herein-before recited Act of Parliament: Be it further enacted as follows (that is to say): It shall be lawful for the said General Assembly to alter or repeal all or any of the Provisions contained in the said Section; and no Act passed by the said General Assembly, nor any Part of such Act, shall be or be deemed to have been invalid by reason that the same is repugnant to any of the said Provisions.

"Governor."

9. In the Construction of this Act the Term "Governor" shall mean the Person for the Time being lawfully administering the Government of *New Zealand*.

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