

New Zealand.

ANALYSIS.

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1934-35, No. 49.

Title.

AN ACT to amend the Canterbury Agricultural College Act, 1930. [5th April, 1935.]

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 Canterbury Agricultural College Amendment Act, 1934-35, and shall be read together with and deemed part of the Canterbury Agricultural College Act, 1930 (hereinafter referred to as the principal Act).

Validation of overdraft.

2. The action of the Board at any time or times before the passing of this Act in borrowing by way of overdraft from the Bank of New South Wales, at Christchurch, in excess of the limits set out in section thirty-three of the principal Act and the action of the said bank in so lending to the Board are hereby validated.

3. (1) In addition to the powers conferred upon it by section thirty-three of the principal Act, it shall be lawful for the Board, subject to the provisions of this section, to borrow by way of overdraft or on temporary loan moneys in excess of the limit imposed by the said section.

Right to borrow
up to £10,000.

(2) Before exercising the power conferred by this section the Board shall obtain the sanction of the Local Government Loans Board, which, with respect to any application for such sanction, shall have the same powers of investigation as are conferred on it in respect of applications made to it under the Local Government Loans Board Act, 1926. The Local Government Loans Board may, if it grants its sanction, impose such conditions as it thinks fit for the repayment of any amount borrowed in excess of the limits imposed by section thirty-three of the principal Act.

See Reprint
of Statutes,
Vol. V, p. 415

(3) The amount owing at any one time in respect of moneys borrowed under the provisions of this section and of section thirty-three of the principal Act shall not exceed in the aggregate the sum of ten thousand pounds.

4. (1) If the Board at any time—

- (a) Borrows any money by way of overdraft or on temporary loan in excess of or otherwise than in accordance with the provisions of the principal Act and this Act in that behalf; or
- (b) Borrows under this Act or any other Act any moneys which the Board is not legally bound to repay; or
- (c) Purports or attempts to bind the College to pay any money which the College is not legally bound to pay; or
- (d) Permits any money borrowed whether by way of overdraft or upon temporary loan to be expended for any purpose other than that for which it was borrowed,—

Liability for
illegal borrowing.

every member of the Board who consents thereto shall be guilty of an offence, and for each such offence shall be liable to a penalty not exceeding one hundred pounds, to be recovered, with full costs of suit, in any Court of competent jurisdiction.

(2) It shall be the duty of the Audit Office to institute the necessary proceedings against any member liable to any such penalty.

(3) In any such proceedings the Court may give judgment for the full amount claimed or for such less amount as it thinks fit (not exceeding in respect of any one offence by any one member the sum of one hundred pounds).

(4) All costs incurred by the Audit Office in any such proceedings shall be paid out of the funds of the College, and all moneys recovered for penalties and costs shall be deemed to be part of the funds of the College, and shall be paid over accordingly.

Votes to be
recorded.

5. Any member of the Board voting against any such illegal borrowing or illegal expenditure as mentioned in the last preceding section may require that his vote shall be recorded on the minutes or other proceedings of the Board.

Proceedings on
a division.

6. (1) At any meeting at which any proposal is made for the borrowing of any money by way of overdraft or on temporary loan or for the expenditure of money borrowed under the principal Act or this Act, or at which any matter incidental to such borrowing or expenditure is proposed, then, if the proposal is carried without a division being taken thereon, it shall be assumed that the voting thereon was unanimous.

(2) Any member of the Board may demand that a division be taken on any such proposal, and thereupon it shall be the duty of the Chairman or other person presiding at such meeting to make and keep a record of the votes of the members voting on such division, and it shall be the duty of the Registrar or other proper officer to enter such record in the minutes of the Board.

(3) Every person who fails to perform any duty imposed on him by the last preceding subsection commits an offence, and shall be liable on summary conviction to a fine not exceeding twenty pounds and not less than five pounds for every such offence.