

Mr. Fowlds.

CYCLE BOARDS.

ANALYSIS.

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A BILL INTITULED

AN ACT to provide for the Laying-down and Maintenance of Permanent Tracks or Cycle-paths for the Convenience of Cyclists. Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act is "The Cycle Boards Act, 1902." Short Title.

2. In this Act, if not inconsistent with the context,—

10 "Cyclist" shall mean and include the owner of any bicycle or tricycle: Interpretation.

"Cycle" shall mean and include bicycles and tricycles:

"Cycle-dealer" shall mean and include a person who carries on the trade of a manufacturer or vendor of cycles and cycle requisites:

15 "Local body" shall mean and include City Council, Borough Council, Road Board, Town Board, County Council, Domain Board, or any other body having jurisdiction over any of the roads or public domains or parks within a cycle district:

- “Board” means a Cycle Board appointed for a cycle district constituted under this Act :
- “District” means a cycle district constituted under this Act :
- “This Act” includes by-laws made under this Act.
3. (1.) A cycle district is hereby constituted in each of the four 5  
centres—namely, Auckland, Wellington, Christchurch, and Dunedin  
—comprising in each case the whole of the area within a radius of  
twenty-five miles from the chief post-office in the district.
- (2.) The Governor may from time to time, by Order in Council 10  
gazetted,—
- (a.) Constitute by some specific name and declare any part of  
the colony defined in such order a cycle district ;
- (b.) Alter and redefine the boundaries of any district, or amalga-  
mate any two or more such districts or portions thereof  
respectively into one new district, or abolish any district. 15
4. This Act shall come into force in any of the said cycle dis-  
tricts upon the receipt by the Governor of a petition, signed by  
cyclists residing in any such district, praying that this Act be put  
in force in such district, and upon the Proclamation by the  
Governor in the *New Zealand Gazette* of the presentation of such 20  
petition, and of the fact that this Act will from the date of such  
Proclamation be put in operation within such district :
- Provided, however, that notice of the intention to present such  
petition to the Governor shall have first been advertised in two 25  
newspapers circulating throughout the said district for a period of  
four weeks before the presentation of such petition, and that the  
Governor shall not have received before the date of such Proclama-  
tion as aforesaid a counter-petition, signed by at least half the  
number of cyclists that signed the original petition.
5. For every district constituted under this Act there shall be a 30  
District Board of Administration, to consist of seven members who  
are cyclists—namely, four members to be elected by cyclists residing  
in the district, and three members to be nominated by the Governor  
in Council, except as hereinafter is provided in the case of the first  
Board. 35
- The said members shall (except as hereinafter provided in the  
case of the first Board) be elected on the third Wednesday in the  
month of June in every year.
6. There shall be a Returning Officer for every district, who  
shall be appointed by the Board, and shall hold office until removed 40  
by such body or until he resigns, becomes incapable, or dies, in any  
of which events the Board shall appoint a Returning Officer in his  
stead.
7. Every election (except the first as hereinafter provided) shall  
be held by the Returning Officer ; but, if he is unable from any cause 45  
to fulfil the duties of his office at any election, he shall by writing  
under his hand appoint a substitute, who shall for all purposes in  
respect of such election be deemed to be the Returning Officer.
8. Every Returning Officer and every substitute for a Returning  
Officer shall, before entering on the duties of his office, make and 50  
sign before a Justice of the Peace the declaration set out in the  
Schedule hereto.
9. The roll to be used for and during the election of the Board,  
or any member thereof, shall be a copy of the register containing the

Colony to be divided  
into cycle districts.

Application of Act.

Constitution of  
Board.

Returning Officer.

Substitute.

Returning Officer to  
make declaration.

Roll of electors.

names, addresses, and occupations of those who have paid their tax and registration fees; and the qualification entitling any one to vote at the election of the Board, or any member thereof, shall be the fact of his having paid the amount of tax or registration fee due by him, and (if demanded by the Returning Officer) the possession of the Board's receipt for the amount of tax or registration fee so paid by him. The Chairman or Secretary of the Board shall, at least seven days before any election held under this Act, deliver such roll to the Returning Officer and take his receipt for it.

10 10. Sections ten to fifty-eight of "The Regulation of Local Elections Act, 1876," and all amendments thereof, shall, *mutatis mutandis*, be deemed to be included herein; and all elections under this Act shall be conducted as nearly as may be on the same lines and under and in conformity with the same rules and regulations as now govern elections conducted under the said Act or any amendments thereof or regulations thereunder:

"Regulation of Local Elections Act, 1876," to apply.

15 Provided that the following shall be the questions which the Returning Officer is authorised to put to any person tendering himself as a voter, in lieu of those referred to in section thirty of the said Act:—

20 (1.) Are you the person whose name appears as A.B. in the roll now in force for this [naming the district] cycle district?

25 (2.) Have you already voted at the present election in this [naming the district] district?

and such person shall be required to answer the first question in the affirmative and the second in the negative, otherwise he will not be entitled to vote at the election in respect of which he has tendered himself.

30 11. If any member of the Board dies, resigns, becomes bankrupt, or is imprisoned his seat on the Board shall thereupon become vacant, and the Governor may, by Proclamation in the *Gazette*, fill the place of such member for the unexpired period of the current year; or, failing such election by the Governor within one month from the happening of any of the aforesaid events, the Board may appoint some other person to act in the place of such member whose seat has become vacant as aforesaid for the unexpired period of the year during which such member would have held office had his seat not become vacant.

Extraordinary vacancies.

40 12. Members shall hold office for one year or until their successors come into office.

Duration of office.

45 13. The Governor shall appoint, by Proclamation in the *Gazette*, all the members of the first Board, and the time and place of the first meeting of the Board, which shall be deemed to come into office at such meeting; and shall nominate some member of the Board to preside at such meeting.

Governor to appoint first Board.

50 14. At the first meeting of the Board in the second and every subsequent year after this Act comes into force in any district, the Board shall elect one of their number to be Chairman, who shall hold office until the coming into office of the Board then next to be elected. In the event of the death or retirement of such Chairman during the currency of any year, it shall be lawful for the Board to elect one of their number to act as Chairman during the remainder of that year.

Chairman.

- Annual meeting. 15. On the fourth Wednesday in the month of June in the year one thousand nine hundred and three, and thereafter on the same day in every year, the Board shall hold its annual meeting, and at such meeting the members of the Board for the previous year shall go out of office, but shall be eligible for re-election at the election preceding the annual meeting or at any other election, and the members then recently elected shall come into office, and shall there and then elect one of their number to be Chairman, who shall come into office on his election, and hold office until his successor is elected. 5
- Board a corporate body. 16. Every Board shall be a body corporate by the name of "The [*namning the district*] Cycle Board," and shall have perpetual succession and a common seal, and shall be capable in law to hold real and personal property, and do and suffer all things which bodies corporate may do or suffer. 10
- Board to control fund. 17. The Board shall have the control of the distribution of the money to be derived from the tax or registration fee hereinafter referred to, or of any other moneys or property which it may acquire by gift or otherwise howsoever, and may apply such moneys or property for the purposes contemplated by this Act in such manner as they may from time to time think expedient. 15
- Cycle Board's Fund. 18. All moneys arising from any of the sources aforesaid shall be paid into such Bank as the Board may from time to time determine, to an account to be called "The Cycle Board's Fund," and shall only be paid thereout by cheques signed by the Treasurer and countersigned by any two members of the Board authorised by the Board from time to time to sign cheques. 20
- Meetings of Board. 19. The Chairman or any two members of the Board may, by giving seven days' notice by prepaid letter addressed to each member of the Board at his last known place of abode or business, and posted at any post-office within the district, convene a meeting of the Board. 25
- Quorum. 20. All acts, matters, and things authorised to be done by the Board, or which are within the scope of the Board's authority, may be done and performed by any of the four members thereof at a duly convened meeting. 30
- Minutes. 21. The Board shall cause to be kept minutes of its proceedings in a book, in which shall be entered the names of the members attending each meeting, and every resolution, order, or other proceeding or proceedings of the Board; and the minutes and proceedings of every meeting shall be read at the next meeting, except in the case of the last meeting of a Board during its year of office, in which case they shall be read at the same meeting; and, if approved by the Board, or when amended as directed by the Board, shall be signed by the Chairman of such succeeding meeting and of such last meeting as aforesaid respectively. The minutes of the said proceedings, kept as hereinbefore provided, shall be read as evidence of such proceedings; and the validity of all such proceedings shall be presumed unless the contrary is proved. 35
- Regulations. 22. The Board may from time to time make, alter, and repeal regulations— 40
- (1.) To regulate or vary the time and place of its meetings;
  - (2.) For the conduct of its meetings, proceedings, and business;
  - (3.) To regulate the duties, duration, and conditions of service, and the salaries or other remuneration of officers and servants of the Board;
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(4.) For the payment of rewards or bonuses to any one who may in the opinion of the Board be entitled to remuneration for assisting the Board or its officers in carrying out the provisions of this Act, or any regulations or by-laws framed hereunder or by virtue thereof;

(5.) To settle or vary the financial year of the Board.

23. No member of the Board shall hold any office of profit under the Board.

Member of Board  
not to hold office of  
profit.

Accounts to be kept.

24. The Board shall cause books to be provided and kept, and true and regular accounts to be entered therein of all sums of money received and paid under the authority of this Act, and of the several purposes for which sums of money shall have been received and paid. Such books shall at all reasonable times be open to the inspection of any member of the Board, who may take copies or extracts from the same; and any person having the custody of the said books who does not, on the reasonable demand of any member of the Board, permit him to inspect or take copies of or extracts from the same shall for every such offence be liable to a penalty not exceeding pounds.

25. The accounts of the Board shall be subject to the audit of the Controller and Auditor-General at such times and in such manner as he may deem expedient.

Audit.

26. The Board shall, before the end of the week after each financial year, cause the accounts of the Board for the past year, up to and including the last day of the Board's financial year, to be balanced, and also a full and true statement and account of all assets and profits belonging to, and of all moneys received and expended by the Board during the past year, and also of all debts owing by and to the Board; and such statement and account, signed by the Chairman and Treasurer of the Board, shall be submitted by such Chairman to the Controller and Auditor-General.

Balance-sheet.

27. Upon this Act coming into force in any of such districts, every person owning a cycle shall be liable to and shall pay a tax of five shillings per annum for each cycle owned by him, and such a tax shall be a charge upon the cycle until paid: Provided, however, that bona fide cycle dealers shall only be liable to pay the tax in respect of the actual number of cycles used by them for their personal use, and for the purposes of hiring: Provided also that any Board may, by resolution passed at a special meeting called for that purpose, decide that the amount of tax to be paid for the district in which such Board is situated shall be any sum less than five shillings; and thereafter, until altered in a similar manner, such sum shall be the amount of tax due and payable in such district, and all the provisions of this Act shall apply in respect of such reduced tax as in the case of the tax of five shillings hereinbefore mentioned.

Registration fee.

28. The Board shall cause a proper register to be kept in which shall be entered, in the numerical order of their enrolment, the names, addresses, and occupations of all cyclists who shall have paid such tax and registered their names, addresses, and occupations as hereinafter provided; and the absence of any entry in such register showing that a cyclist has paid his tax shall be prima facie evidence

Cycle register.

in any Court of law that such cyclist has not paid such tax, and generally of all such other matters as are therein contained and stated.

Cyclist to register.

29. Every cyclist shall register his name, address, and occupation with the Board, and pay the amount of tax due by him within one month after this Act comes into force in the district within which he resides. 5

Registered number.

30. Upon payment of the amount of his tax, every cyclist shall be allotted his number for the year in respect of which he has paid his tax, and he shall cause such number to be attached to or painted, inscribed, or displayed on some conspicuous part of his cycle, and shall, when so required by any one producing the authority of the Board in that behalf, submit his cycle for inspection, so that such number may be verified. 10

Board may distrain.

31. If any person shall fail to pay the amount of tax due by him within one month from the time when it becomes due, such amount may be recovered by the Board in any Court of competent jurisdiction as a debt due by such person to the Board, or the Board may seize and distrain upon the cycle in respect of which such tax remains unpaid, and sell the same by public auction, and pay itself the amount of such tax, and all reasonable expenses of and incidental to such distress and sale, out of the proceeds, and shall hand the balance (if any) to the person entitled thereto. 15 20

Proportionate fee.

32. In the event of any person acquiring a cycle on which tax has not been paid during the currency of the financial year of the Board, he shall be liable to pay tax for the balance of such year in the following manner and proportion:— 25

- (1.) The full amount of the annual tax levied in the district in which he resides, if he should acquire such cycle during the first six months of such year; or 30
- (2.) One-half the amount of such annual tax should he acquire such cycle during the second six months of such year.

Purchaser to have benefit of registration.

33. In the event of any person purchasing a cycle in respect of which a number has been issued and tax paid during the current year of such number, he shall be entitled to the benefit of the unexpired portion of such tax, and shall, within one month from the date of such purchase, register his name, address, and occupation as hereinbefore provided in the case of cycles owned by persons at the date of the coming into force of this Act in any cycle district, and shall pay the Board a fee of *one* shilling for so doing. 35 40

Application of funds.

34. The Board, with the consent of the local body, may apply any of the moneys in its hands from time to time in and towards the laying-down of cycle-tracks on the roads or elsewhere, and in and towards the maintenance thereof generally; and also, without such consent, in and towards the acquiring by lease or purchase, or otherwise howsoever, of any real or personal property which in the opinion of the Board should be acquired for the benefit of cyclists for improving curves, reducing gradients, shortening distances, or otherwise howsoever; and in the laying-down of tracks thereon, and the maintenance thereof, and may sell, lease, mortgage, or otherwise dispose of such real and personal property. 45 50

35. For all or any of the purposes aforesaid the Board may from time to time borrow money on the security of its income and other assets (if any). And for the purposes of this Act sections forty-five to seventy-five inclusive of "The Local Bodies' Loans Act, 1886," shall, *mutatis mutandis*, be deemed to be included in this Act; and the provisions of the said Act generally, where necessary to facilitate working and effect the purposes of this Act, shall be deemed to be included herein.

Power to borrow.

36. For all or any of the purposes of this Act the Board shall have full power and authority to enter into agreements and make contracts of any description with persons, companies, corporations, or any local body, or with any person, for doing anything which the Board may be authorised to do or which is necessary for carrying out the purposes of this Act. Any contract which, if made between private persons,—

Contracts

Firstly, must be in writing under seal;  
Secondly, must be in writing, signed by the parties thereto;  
Thirdly, may be made verbally without writing,—

when made by the Board,—

20 In the first case shall be in writing under the seal of the Board;

In the second case, shall be signed by two members of the Board on behalf of and by direction of such Board;

25 In the third case, may be made verbally without writing, by the Board, or any two members thereof on behalf of and by direction of such Board.

All such contracts may be varied and discharged in the same manner respectively.

30 37. No contract the amount whereof exceeds ten pounds shall, except of urgent necessity, be made except after public tender, of which not less than three days' public notice shall have been given, such notice to be published twice in a newspaper circulating within the district; but the Board shall not be obliged to accept the lowest or any tender.

Contract over £10 to be tendered for.

35 38. The Board may compound with any person or body for such sum of money or other recompense as it may think fit in respect of the breach of any contract or penalty incurred thereunder, or of any debt or money due to the Board, whether under the provisions of this Act or otherwise, and whether before or after any action or suit brought for the recovery of the same.

Power to compromise.

39. Power is hereby given to any local body,—

Power of local bodies over roads.

45 (1.) To set apart such portion of any road or footpath within its district as it may consider expedient for the use of cyclists; and

(2.) To enter into agreements with the Board as to the laying-down of cycle-tracks, and the manner and proportions in which the expenses thereby incurred shall be met;

50 (3.) To make such payments in respect of the laying-down of such tracks, and the maintenance thereof as to such local body may seem expedient;

(4.) To make such by-laws and provide such penalties as may be necessary for the regulation of the traffic on such cycle-

tracks, and to insure to cyclists the use of such cycle-tracks ;

(5.) To delegate to the Board all or any of the powers mentioned in the *last-preceding* subclause hereof.

Rule of the road.

40. Every person shall keep any vehicle of which he is in charge, or the animal attached thereto which is being driven by him, or any cycle or horse ridden by him, on the right or off side of any vehicle, cycle, or horse when meeting, passing, or overtaking such vehicle, cycle, or horse, and shall leave such reasonable portion of the road for any vehicle, cycle, or horse meeting, passing, or overtaking him as will enable or allow such vehicle, cycle, or horse to pass or overtake him in conformity with the provisions of this section.

Rule as to cycle-tracks.

41. In the case of a cyclist or cyclists riding on a cycle-track laid down under the guidance or authority of the Board, and used for cycle traffic, section *forty* of this Act shall apply to him or them as if such cycle-track were the whole road ; and, if such track shall be less than 4 ft. in width, the cyclist desiring to overtake another cyclist who is in front of him must leave the track in order to do so, and, in the case of two cyclists meeting, the cyclist who shall have the boundary of the cycling-track furthest from the centre of the road on his right hand shall leave the track.

Penalties.

42. Any person who commits a breach of any of the provisions of this Act, or, not being a cyclist within the meaning of this Act, signs any petition or counter-petition in connection with any of the purposes of this Act, or uses or has attached to, or painted or otherwise inscribed or displayed on, any cycle a number other than that allotted to such cycle for the then current year, shall be liable to a penalty not exceeding *five* pounds.

#### SCHEDULE.

##### DECLARATION BY THE RETURNING OFFICER.

I, A. B., do solemnly declare that I will faithfully and impartially, according to the best of my skill and judgment, exercise and perform all the powers and duties reposed in or required of me by "The Cycle Boards Act, 1901," or any other Act or portion of an Act incorporated therein, as Returning Officer for the Cycle District: And I solemnly promise that I will not, directly or indirectly, disclose any fact coming to my knowledge at any election which I am required by the said Act or otherwise not to disclose.

Declared at                      this                      day of                      19                      , in the presence of—  
C. D.