

# Provincial Councils' Powers.

## ANALYSIS.

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| <p>Title.<br/>Preamble.<br/>1. Short Title.<br/>2. Provincial Legislatures empowered in matters relating to rating to make laws providing for an appeal &amp;c.<br/>3. Provincial Legislatures empowered to make</p> | <p>laws constituting Courts for hearing and determining applications for licenses for sale of spirits &amp;c.<br/>4. Provincial Legislatures empowered to repeal or amend these Acts or Ordinances though validated by or incorporated with Acts of Assembly.</p> |
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## A BILL INTITULED

AN ACT to enable Superintendents and Provincial Councils of Provinces to make Laws providing for and regulating Appeals in matters relating to Rating and for other purposes. Title.

WHEREAS by the nineteenth section of the Constitution Act it is enacted that it shall not be lawful for the Superintendent and Provincial Council of any Province to make or ordain any law or ordinance for the establishment or abolition of any Court of Judicature of civil or criminal jurisdiction except Courts for trying and punishing such offences as by the law of New Zealand are or may be made punishable in a summary way or altering the constitution jurisdiction or practice of any such Court except as aforesaid And whereas by the said Act it is also enacted that any Law or Ordinance made or ordained by any Provincial Council shall so far as the same is repugnant to or inconsistent with any Act passed by the General Assembly be null and void And whereas it is expedient to enable Superintendents and Provincial Councils of Provinces to make laws constituting Courts and altering the constitution jurisdiction and practice of existing Courts for the purposes hereinafter mentioned And whereas doubts have arisen as to whether certain Acts and Ordinances of Provincial Councils validated by Acts of the General

Assembly can be repealed altered or amended by any Act of a Provincial Council and it is expedient that such doubts should be set at rest

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows— 5

Short Title.

1. The Short Title of this Act shall be "The Provincial Councils' Powers Act 1869."

Provincial Legislatures empowered in matters relating to rating to make laws providing for an appeal &c.

2. Notwithstanding anything in the nineteenth section of the Constitution Act to the contrary it shall be lawful for the Superintendent and Provincial Council of every Province from time to time to make laws for giving to persons thinking themselves aggrieved on the ground of unfairness or incorrectness in the valuation of any rateable property included in any rate imposed under the provisions of any Act or Ordinance of such Province or in the amount of any rate assessed upon or payable by them or in any other matter incident to or connected with such rate an appeal either to a Court constituted for such purpose by an Act or Ordinance of such Province or to a Resident Magistrate's Court a Court of Petty Sessions or two Justices of the Peace within the Province and for such purpose to alter the jurisdiction and practice of the Court to which such appeal shall be given and if they shall think fit to make the decision of the Court to which such appeal shall be had final. Provided always that except for the purpose of making such decision final and for taking away the power of removing cases into the Supreme Court by *certiorari* no Act or Ordinance passed or made under the authority of this Act shall alter or affect or purport to alter or affect in any manner whatsoever the constitution jurisdiction or practice of the Supreme Court or of any District Court but that every Act or Ordinance which shall contain anything repugnant to this proviso shall so far as such repugnancy shall extend and no further be null and void. 10 15 20 25 30

Provincial Legislatures empowered to make laws constituting Courts for hearing and determining applications for licenses for sale of spirits &c.

3. It shall also be lawful for the Superintendent and Provincial Council of every Province from time to time to make laws for regulating proceedings upon the application of persons seeking the issue to them of licenses permitting the sale of fermented and spirituous liquors and the keeping of places of public entertainment or of licenses for any other purpose whatever and to constitute and establish within the Province Courts for the purpose of hearing and determining such applications and objections thereto and also for such purpose to alter within the Province the jurisdiction and practice of Resident Magistrates' Courts Courts of Petty Sessions and of Courts holden by Justices of the Peace so far as may be necessary or expedient. 35 40

Provincial Legislatures empowered to repeal or amend these Acts or Ordinances though validated by or incorporated with Acts of Assembly.

4. It shall be lawful for the Superintendent and Provincial Council of every Province from time to time to repeal amend and alter any Act or Ordinance of such Province notwithstanding that the said Act or Ordinance may have been validated or re-enacted by an Act of the General Assembly heretofore passed or hereafter to be passed. Provided always that nothing in this Act shall extend to enable the Superintendent and Provincial Council of any Province to repeal amend or alter any Act or Ordinance of such Province made for raising any Provincial Loan and validated or re-enacted by Act of the General Assembly. 45 50