

1955/13



**THE POLICE FORCE REGULATIONS 1950,
AMENDMENT NO. 3**

C. W. M. NORRIE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 15th day of February
1955

Present:

THE RIGHT HON. K. J. HOLYOAKE PRESIDING IN COUNCIL

PURSUANT to the Police Force Act 1947, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. (1) These regulations may be cited as the Police Force Regulations 1950, Amendment No. 3, and shall be read together with and deemed part of the Police Force Regulations 1950* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. The principal regulations are hereby amended by adding the following heading and regulations:

*“Elections for Appointments to Board of Appeal, Police Council, and
Promotion Appeal Board*

“164. (1) The Commissioner shall from time to time appoint a person employed in the Police Department to act as Returning Officer for the purpose of elections to be held under these regulations.

“(2) The fact that any person acts as Returning Officer shall be conclusive evidence that he has been duly appointed for that purpose and that he is a person qualified to be so appointed.

“165. (1) From time to time the Returning Officer shall fix a day and a time for the closing of nominations for each triennial election of nominated members of the Board of Appeal constituted under section 24 of the Act, which day shall be not more than 100 days or less than 60 days prior to the expiration of the term of the office of the members then in office.

* S.R. 1950/107.
Amendment No. 1: S.R. 1951/10.
Amendment No. 2: S.R. 1953/26.

“(2) Upon the occurrence of any casual vacancy in the office of any such nominated member, the Commissioner shall notify the Returning Officer thereof, and the Returning Officer shall fix a day for the closing of nominations for an election to fill the casual vacancy, which day shall be not less than 33 days or more than 60 days after the receipt by the Returning Officer of notice that the vacancy has occurred.

“(3) Where an election is to be held to determine the person to be nominated by a service organization for appointment to the Police Council or the Promotion Appeal Board, the Returning Officer shall, with the approval of the service organization concerned, fix such day and time for the closing of nominations as he thinks fit.

“166. Upon fixing a day for the closing of nominations for any election under these regulations, the Returning Officer shall cause to be published in the *Police Gazette* at least twenty-two days before the date so fixed, or, in the case of an election to which subclause (3) of regulation 165 hereof applies, on such date as may be agreed upon between the Returning Officer and the service organization concerned, a notice indicating that the election will be held and prescribing the date on which nominations will close.

“167. (1) Every candidate for election shall be nominated in writing by at least two members of the Force, and the nomination paper shall bear the written consent of the candidate.

“(2) Every nomination paper shall be delivered or forwarded to the Returning Officer so as to be received by him not later than the day and the time fixed for the closing of nominations.

“(3) Any nomination not complying with the requirements of this regulation shall be void.

“168. If the number of candidates duly nominated is not more than the number of vacancies to be filled, the person or persons so nominated shall forthwith be declared to be duly elected.

“169. (1) If the number of persons nominated exceeds the number of persons to be elected, a ballot of the members of the Force shall be taken as hereinafter provided.

“(2) Forthwith after the close of nominations the Returning Officer shall forward by post to each person who is a member of the Force on the day fixed for the closing of nominations at the address of the police station where he is for the time being regularly stationed a printed voting paper setting out the names of the candidates and containing directions for voting.

“(3) The date to be stated in the voting paper as the last day for delivering or posting voting papers shall be a day not less than seven nor more than ten days after the day on which the voting papers are forwarded by post to the voters.

“(4) On the left-hand bottom corner of every voting paper the Returning Officer shall, prior to its despatch, write the registered number of the member of the Force to whom the voting paper is to be sent and shall seal the corner so as to conceal the number so written and shall impress his official stamp thereon.

“(5) With every voting paper shall be enclosed an empty envelope marked “Voting paper” and addressed to “The Returning Officer, Police Headquarters, Wellington”.

“(6) Every voting paper, if delivered by hand to the Returning Officer, shall be so delivered not later than 5 o'clock in the afternoon of the last day specified for delivering and posting voting papers to the Returning Officer, and, if sent by post, shall be posted not later than that day.

“(7) No voting paper shall be included in the ballot which, if delivered by hand, is delivered later than 5 o'clock in the afternoon on the day aforesaid, or, if sent by post, is received by the Returning Officer later than 5 o'clock in the afternoon of the seventh day thereafter, or if from the postmark on the envelope or otherwise the Returning Officer is of opinion that it was not posted on or before the last day specified for delivering and posting voting papers.

“170. (1) On the eighth day after the last day specified for delivering and posting voting papers to the Returning Officer the Returning Officer shall, in the presence of scrutineers appointed in accordance with this regulation to be present, open all voting papers duly delivered to him or duly received by post, and after rejecting all informal voting papers shall proceed to ascertain the number of votes recorded for each candidate.

“(2) For the purpose of this regulation one scrutineer shall be appointed by the Commissioner and one shall be appointed by each service organization.

“171. The Returning Officer shall reject as informal:

“(a) Any voting paper that does not bear the official stamp of the Returning Officer if there is reasonable cause to believe that it was not issued to a voter by the Returning Officer:

“(b) Any voting paper whereon anything not authorized by these regulations is written or marked by which the voter can be identified:

“(c) Any voting paper that does not clearly indicate the candidate for whom the voter desired to vote:

“Provided that no voting paper shall be rejected merely on the ground of some informality in the manner in which it has been dealt with by the voter, if it is otherwise regular, and if in the opinion of the Returning Officer the intention of the voter in voting is clearly indicated:

“(d) Any voting paper on which the number of candidates for whom the voter has voted exceeds the number of candidates to be elected:

“(e) Any voting paper that is received in an unsealed envelope.

“172. (1) Where there is an equality of votes between any candidates and the addition of one vote in favour of each of one or more candidates would entitle any such candidate or candidates to be elected, the Returning Officer shall give a casting vote or votes.

“(2) The Returning Officer shall forthwith provisionally notify in the *Police Gazette* the result of the election.

“173. (1) At any time within fourteen days after publication of the notice referred to in regulation 172 hereof, any seven voters may, by notice in writing signed by them and given to the Returning Officer, demand a scrutiny and recount of the voting papers.

“(2) Thereupon the Returning Officer shall scrutinize and recount the voting papers in the presence of the scrutineers appointed under regulation 170 hereof.

“(3) If as a result of the scrutiny and recount it appears that any casting vote given was unnecessary, that casting vote shall be withdrawn.

“(4) The accidental omission to send a voting paper to any member of the Force or to enclose therewith an envelope addressed to the Returning Officer or the non-receipt of a voting paper by any member of the Force or the non-receipt by the Returning Officer of a voting paper duly posted to him shall not invalidate any election, unless in the opinion of the Returning Officer the result of the election might have been materially affected thereby.

“(5) No election shall be void by reason of any irregularity not materially affecting the result thereof.

“174. If the number of candidates duly nominated is not more than the number of vacancies to be filled, or if a scrutiny and recount has not been validly demanded within the time hereinbefore specified, or (as the case may be) upon completion of scrutiny and recount, the Returning Officer shall name to the Minister the persons elected and shall give final notice of the result of the election in the *Police Gazette*.

“175. Upon appointment by the Minister of any person so elected notice thereof and of the term of each appointment shall be published in the *New Zealand Gazette* and in the *Police Gazette*.

“176. The voting papers after being counted shall be enclosed in a packet and sealed by and retained by the Returning Officer for two months from the date of publication of the final notice of the election and shall then be destroyed.”

3. The Police Appeal Board Regulations 1942* are hereby revoked.

T. J. SHERRARD,
Clerk of the Executive Council.

*S.R. 1942/25.

EXPLANATORY NOTE

[*This note is not part of the regulations, but is intended to indicate their general effect.*]

These regulations replace regulations relating to elections of nominated members of the Board of Appeal constituted under section 24 of the Police Force Act.

The regulations apply also to elections for the purpose of determining persons to be nominated by service organizations for appointment to the Police Council or the Promotion Appeal Board constituted by the Police Force Amendment Act 1954.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 17 February 1955.

These regulations are administered in the Police Department.