

CHAPTER 2:09

PUBLIC BODIES PRIVATE BILL PROCEDURE ACT

Acts 35/1885, 24/1962 (s. 2); R.G.N. 387/1971.

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Interpretation.
3. Public meeting to be convened to consider introducing or opposing private Bills.
4. Public meeting, how convened and publication of notice required.
5. Meeting assembled elects chairman, but may adjourn.
6. Resolution carried by two-thirds of meeting.
7. Voting by show of hands or upon demand by signature of list.
8. Lists to lie open for signature by rate payers.
9. Scrutiny of lists by chairman; result to be published at expense of public body.
10. Costs of introducing or opposing private Bill.

AN ACT to authorize certain public bodies to introduce into and promote or to oppose in Parliament certain private Bills, and to legalize expenses incurred by such bodies in respect of the introduction and promotion of or the opposition to such private Bills.

[Date of commencement: 10th June, 1891.]

1 Short title

This Act may be cited as the Public Bodies Private Bill Procedure Act [*Chapter 2:09*].

2 Interpretation

In this Act—

“local newspaper”, in relation to any public body means any newspaper circulating in the neighbourhood wherein all or most of the persons reside who are liable to pay rates to a public body;

“public body” means any public body empowered to levy rates;

“public meeting” means a public meeting summoned or convened in terms of section *three*;

“ratepayer” means any person liable to the payment of rates to or qualified to vote in the election of members of a public body.

3 Public meeting to be convened to consider introducing or opposing private Bills

When any public body deems it expedient and necessary to introduce into Parliament and there promote any private Bill in furtherance of, or to oppose in Parliament any private Bill inconsistent or conflicting with, the interests of the general body of ratepayers upon whom such public body is by law empowered to levy rates, it shall be lawful for such public body to convene a public meeting of such ratepayers in accordance with this Act, for the purpose of laying before such meeting resolutions in favour of the introduction and promotion of or in favour of opposition to such private Bill, as the case may be.

4 Public meeting, how convened and publication of notice required

Every public meeting shall be convened to assemble at some convenient time and place and upon a day to be stated in a notice of such meeting, and the notice shall be published not less than four times in any one or more local newspapers or, in default of any local newspaper, in every issue of the *Gazette* during a period of not less than two weeks before the stated day, and shall refer to this Act and shall contain as nearly as may be the words of the resolution or resolutions to be proposed for the consideration of the public meeting, and also a clear general statement of the object and purpose of the public meeting.

5 Meeting assembled elects chairman, but may adjourn

At the time and place and on the day specified in the notice the public meeting shall assemble, and a chairman shall be forthwith elected by a vote of the majority of ratepayers present and voting at such meeting by show of hands, but thereafter the said meeting may, by resolution of the majority of ratepayers present and voting, be adjourned for any period not longer than one week to re-assemble at such time and place and on such day as by such resolution shall be determined.

6 Resolution carried by two-thirds of meeting

At any public meeting, or at any adjourned meeting thereof, as the case may be, the resolution or resolutions published in the notice of the meeting shall be submitted to the ratepayers thereat assembled, and if, by a vote of a majority of two-thirds of the ratepayers then present and voting, any such resolution to introduce and promote or to oppose

any private Bill is carried, the public body which has convened the meeting shall be deemed and taken for all legal intents and purposes to be authorized to introduce and promote or to oppose such private Bill.

7 Voting by show of hands or upon demand by signature of list

The voting at any public meeting on the resolutions published in the notice of such meeting shall in the first place be by show of hands to be declared by the chairman, and the declaration of the chairman shall be final and conclusive, unless not less than twenty ratepayers present demand that the voting shall be by signature, and whenever any such demand is made the voting on the resolution in question shall be determined by signatures to be affixed by each ratepayer signing his name in full upon one of certain lists to be ready for the purpose at the meeting, and such lists shall be two in number for each resolution, and the signatures to the one list shall be in affirmation and to the other in negation of the resolution in question.

8 Lists to lie open for signature by rate payers

The lists referred to in section *seven* shall, at a place or places to be notified from the chair at such meeting, lie open on a day to be named by the chairman, being not less than seven and not more than fourteen days from the date of meeting, and between the hours of ten o'clock in the morning and four o'clock in the afternoon on such day, and may be signed by any ratepayer during the said period and hours.

9 Scrutiny of lists by chairman; result to be published at expense of public body

Every list referred to in section *seven* shall, after the termination of the period it lies open, be scrutinized by the chairman elected by the meeting, together with such assistants as the public body concerned may appoint, and the result of the voting shall be declared by the chairman by advertisement to be published at least twice in one or more local newspapers, or in the *Gazette*, at the expense of the ordinary revenue of the public body.

10 Costs of introducing or opposing private Bill

When any resolution is carried in favour of the introduction and promotion of, or in favour of opposition to, any private Bill in terms of this Act, all necessary costs, charges and expenses incurred by the public body concerned in and about the convening of the meeting and the introduction and promotion of or opposition to the private Bill, shall be payable out of the ordinary revenue derived by such public body from rates levied on the ratepayers, notwithstanding anything to the contrary contained in any enactment.

downloaded from www.law.com