

**Version
as at 28 October 2021**

Stratford Electric Lighting Act 1898

Private Act 1898 No 1
Date of assent 13 September 1898

Contents

	Page
Title	1
Preamble	
1 Short Title	2
2 Interpretation	2
3 Power to do all necessary works for supplying energy	3
4 Right to supply energy not exclusive	3
5 Company, with consent of local authority, may make by-laws with proviso as to general Acts	3
6 Sealed copy of by-law to be evidence of same	4
7 By-laws not to relieve persons from penalties for breach of same	4
8 Area of supply	4
9 Local authority to have option of purchase after expiry of ten years	4
10 Reference to be to two arbitrators	5
11 Date within which plant erected	5
12 Price of energy	5
Schedule	5

An Act to authorise the Stratford Electrical Supply Company (Limited) to break up and cross over Streets and Roads, to place Mains, Service-lines, and Distrib-

Note

Changes authorised by subpart 2 of Part 3 of the Legislation Act 2019 have been made in this consolidation. See the notes at the end of this consolidation for further details.

uting-mains either above or below Ground, and to lay down and place Pipes, Conduits, and Service-pipes, and to erect Pillars, Arches, or Poles, and to make, construct, and do other Works and Things for supplying Electrical Energy for Public and Private Purposes within the Borough of Stratford and its Suburbs.

Preamble

WHEREAS a company with limited liability has been incorporated under the provisions of The Companies Act 1882, and the amendments thereof, by the name of the Stratford Electrical Supply Company (Limited), having for its objects the carrying-on at Stratford and elsewhere in the County of Stratford the business of an electrical energy supply company in all its branches, including the production of electrical energy, and the supplying the same for lighting purposes, and as a motive-power, in the Borough of Stratford and its suburbs: And whereas it is expedient that provision should be made authorising the said company to break up or cross over streets, roads, railways, rivers, and bridges, and to place mains, service-lines, and distributing-mains either above or below ground, and to lay down and place pipes, conduits, and service-pipes, and to erect pillars, arches, and poles, and to make, construct, and do other works and things for producing and supplying electrical energy for public and private purposes within the Borough of Stratford and its suburbs, and to do all such other acts, deeds, matters, and things from time to time as are incidental or conducive to carrying out fully and effectually the objects as aforesaid of the said company:

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

1 Short Title

The Short Title of this Act is The Stratford Electric Lighting Act 1898.

2 Interpretation

In this Act, if not inconsistent with the context hereof, and unless there are words to exclude or restrict such meaning, the words and expressions following shall severally have the meanings hereinafter assigned to them, that is to say,—

The expression **electricity** means electricity, electric current, or any like agency:

The expression **energy** means electrical energy, and for the purposes of this Act electrical energy shall be deemed to be an agency within the meaning of electricity as defined by this Act:

The expression **the company** means the Stratford Electrical Supply Company (Limited):

The expression **public purpose** refers to the supply of electricity to or in any street or any place belonging to or subject to the control of a local authority, or any hall, public theatre, or building belonging to or subject to the control of any

public authority, but shall not include any other purpose to which electricity may be applied:

The expression **private purpose** refers to any purpose whatever to which electricity may for the time being be applicable, not being public purposes, but shall not include the transmission of any telegram:

The expression **local authority** means local authority as defined in The Interpretation Act 1888.

3 Power to do all necessary works for supplying energy

Subject and without prejudice to The Electric Lines Act 1884, The Municipal Corporations Act 1886, The Counties Act 1886, and The Electrical Motive-power Act 1896, and any amendment thereof respectively, the company may supply energy for public and private purposes within the whole or any part or parts of the area of supply as defined by this Act, and for the purposes aforesaid may break up or cross over streets, roads, railways, rivers, and bridges, and place mains, service-lines, and distributing-mains either above or below ground, and lay down and place pipes, conduits, and service-pipes, and erect pillars, arches, and poles, and make, construct, and do all other necessary or proper works and things for supplying energy within such area of supply, or any part or parts thereof, upon such terms and conditions, for such period or periods of time, and subject to such regulations and provisions for securing the safety, convenience, and welfare of the public as may be agreed upon between the company and the local authority or authorities having jurisdiction within such area of supply.

4 Right to supply energy not exclusive

Nothing herein contained shall be deemed in any way to pledge or bind any local authority to enter into any such agreement, or to prevent such local authority from entering into any other agreement with any other company, person, or syndicate for supplying electricity within such area, or from itself supplying the same.

5 Company, with consent of local authority, may make by-laws with proviso as to general Acts

- (1) The company may make, vary, annul, or revoke by-laws for the proper management and protection of the company's electric works, property, plant, concerns, and business, and for the carrying-out to the best advantage of the electrical projects and objects of the company, and by such by-laws may impose a penalty not exceeding ten dollars (to be recovered in a summary way) for any breach thereof:
- (2) The company may not make, vary, annul, or revoke bylaws under this section unless the proposed bylaws have been approved by—
 - (a) the local authority by resolution; and

- (b) the Governor-General in Council.
- (3) Bylaws under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	It is not required to be published	LA19 s 73(2)
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It is not disallowable	LA19 s 115

This note is not part of the Act.

Section 5(1): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 5(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 5(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

6 Sealed copy of by-law to be evidence of same

A copy of any by-law sealed with the seal of the company shall be received as evidence of the same having been duly made unless the contrary is proved.

7 By-laws not to relieve persons from penalties for breach of same

Nothing in any by-law made under this Act shall be deemed to relieve any person from any penalty, punishment, or action to which he would otherwise be liable in respect of anything done by him in breach of any such by-law: Provided that no person shall be punished twice for the same offence.

8 Area of supply

The area of supply shall be the whole of the area included in a radius of three miles from the site of the post-office in the Borough of Stratford.

9 Local authority to have option of purchase after expiry of ten years

The local authority or authorities having jurisdiction within such area of supply may at any time after the expiration of ten years from the date of the coming into operation of this Act, upon giving six calendar months' previous notice in writing of its or their intention in that behalf, require the company to sell to such local authority or authorities the company's undertaking, upon the terms of paying the then value of the undertaking, and also the value of all lands, corporeal and incorporeal rights, buildings, materials, and plant of the company suitable to and used by the company for the purposes of its undertaking; such values to be, in case of difference, determined by arbitration: And the provisions of The Arbitration Act 1890, shall apply to any arbitration held under this section, and this Act shall be deemed a submission within that Act if and when such local authority or authorities shall give notice to the company of its or their intention to exercise the power of purchase hereby conferred.

10 Reference to be to two arbitrators

For the purposes of such arbitration the reference shall be deemed to be to two arbitrators.

11 Date within which plant erected

The company shall, within a period of one year after the commencement of this Act, proceed to erect the necessary plant to supply electrical energy within the meaning of this Act, and deliver the same to consumers within two years.

12 Price of energy

The prices to be charged by the company for energy supplied by them shall not exceed those stated in sections one and two of the Schedule hereto respectively:

Provided that, subject to the right of the consumer to require that he should be charged according to some one or other of the methods mentioned in the Schedule hereto, the company may make an agreement with the consumer as to the price to be charged for energy and the mode in which such charges are to be ascertained, and may charge accordingly.

Schedule

The expression **unit** shall mean the energy contained in a current of one thousand ampères flowing under an electro-motive force of one volt during one hour.

Section 1.

The expressions “two dollars”, and “ten cents” were substituted, as from 10 July 1967, for the expressions “one pound”, and “one shilling” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

When the company charge any consumer by the actual amount of energy supplied to him, they shall be entitled to charge him at the following rates per quarter: For any amount up to twenty units, two dollars; and for each unit over twenty units, ten cents.

Section 2.

When the company charge the consumer by the electrical quantity contained in the supply given to him, they shall be entitled to charge him according to the rates set forth in Section 1 of this Schedule, the amount of energy supplied to him being taken to be the product of such electrical quantity and the declared pressure at the consumer’s terminals—that is to say, such a constant pressure at those terminals as may be declared by the company under any by-laws made under this Act.

Consolidation notes**1 *General***

This is a consolidation of the Stratford Electric Lighting Act 1898 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *About this consolidation*

This consolidation is not an official version of the legislation under section 78 of the Legislation Act 2019.

3 *Amendments incorporated in this consolidation*

Secondary Legislation Act 2021 (2021 No 7): section 3