



ANALYSIS

Title
1. Short Title

2. Delegation of powers by Minister
and General Manager
3. Subsidies

1964, No. 86

An Act to amend the Electricity Act 1945

[18 November 1964]

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

1. Short Title—This Act may be cited as the Electricity Amendment Act 1964, and shall be read together with and deemed part of the Electricity Act 1945 (hereinafter referred to as the principal Act).

2. Delegation of powers by Minister and General Manager—The principal Act is hereby amended by inserting, after section 4, the following section:

“4A. (1) The Minister may from time to time, by writing under his hand, either generally or particularly, delegate to the General Manager all or any of the powers which are conferred on him by this Act, but not including the power to delegate under this section or the power to consent to a delegation under subsection (6) of this section.

“(2) Subject to any general or special directions given or conditions attached by the Minister, the General Manager may exercise any powers delegated to him as aforesaid in the same manner and with the same effect as if they had been conferred on him directly by this section and not by delegation.

“(3) Where the General Manager purports to act pursuant to any delegation under this section, he shall be presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary.

“(4) Every such delegation shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Minister.

“(5) Unless and until any such delegation is revoked it shall continue in force according to its tenor. In the event of the Minister by whom any such delegation has been made ceasing to hold office, it shall continue to have effect as if made by the person for the time being holding office as Minister and, in the event of the General Manager to whom any such delegation has been made ceasing to hold office, it shall continue to have effect as if made to the person for the time being holding office as General Manager or, if there is no General Manager in office or if the General Manager is absent from duty, to the person for the time being directed under the State Services Act 1962 to act in the place of the General Manager.

“(6) The General Manager may from time to time, by writing under his hand, either generally or particularly, delegate to such officer or officers or employee or employees of the Department as he thinks fit all or any of the powers exercisable by him under this Act including any powers delegated to him under this Act, but not including this present power of delegation:

“Provided that the General Manager shall not delegate any power delegated to him by the Minister without the written consent of the Minister, or any power delegated to him under the State Services Act 1962 without the written consent of the State Services Commission.

“(7) Subject to any general or special directions given or conditions attached by the General Manager, the officer or employee to whom any powers are delegated under subsection (6) of this section may exercise those powers in the same manner and with the same effect as if they had been conferred on him directly by this section and not by delegation.

“(8) Every person purporting to act pursuant to any delegation under subsection (6) of this section shall be presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary.

“(9) Any delegation under subsection (6) of this section may be made to a specified officer or employee or to officers

or employees of a specified class, or may be made to the holder or holders for the time being of a specified office or class of offices.

“(10) Every delegation under subsection (6) of this section shall be revocable at will, and no such delegation shall prevent the exercise of any power by the General Manager.

“(11) Any such delegation shall, until revoked, continue in force according to its tenor, notwithstanding the fact that the General Manager by whom it was made may have ceased to hold office, and shall continue to have effect as if made by the successor in office of that General Manager.”

3. Subsidies—Section 18 of the principal Act is hereby amended by inserting, after subsection (2) (as substituted by section 2 (1) of the Electricity Amendment Act 1959), the following subsection:

“(2A) Notwithstanding the provisions of subsection (2) of this section, the subsidy, at the discretion of the Council, may exceed half the annual cost, as so determined, if the subsidy, together with any contribution from the Electrical Supply Authority and the revenue from consumers does not exceed twenty per cent of the capital cost of the electric line.”

This Act is administered in the New Zealand Electricity Department.
