



ANALYSIS

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1963, No. 40

An Act to amend the Electric Power Boards Act 1925

[18 October 1963]

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 Electric Power Boards Amendment Act 1963, and shall be read together with and deemed part of the Electric Power Boards Act 1925 (hereinafter referred to as the principal Act).

2. United districts—(1) The principal Act is hereby amended by repealing section 5, and substituting the following section:

“5. (1) The Governor-General may, by Order in Council, declare any two or more districts to be united, and to form one district, with such name as he thinks fit:

“Provided that no such Order in Council shall be made unless the Board of each of the districts proposed to be united has made a special order recommending that the districts should be united so as to form one district.

“(2) By the same or any other Order in Council the Governor-General shall fix the date for the first election of members of the Board of the united district and may make such

provisions as he thinks necessary or expedient for the purpose of giving effect to the union or facilitating the administration of the Boards of the districts to be united during the transitional period between the time when special orders are made recommending that the districts should be united and the time when the Board of the united district is able to function.

“(3) The date fixed for the first election may be any date not later than the date of the next triennial election of Electric Power Boards and any Order in Council under this section may provide that members of the Boards of the districts to be united, or such number of those members as may be determined in accordance with the Order in Council, shall, until members elected at the first election of the Board of the united district come into office, constitute the Board of the united district, subject to such conditions as may be prescribed in the Order in Council.

“(4) Except as otherwise provided by or under this section, the provisions of this Act as to the first election of members of the Board of a new district shall apply with respect to the first election of the Board of a united district.

“(5) For the purposes of this section two or more districts shall be deemed to be united on a date fixed in that behalf by Order in Council under this section, which may be a date before or after the date fixed for the first election of members of the Board of the united district.

“(6) Notwithstanding the provisions of this or any other Act and notwithstanding that an election may have been held for members of the Board of a united district, the members elected shall not come into office before the date fixed under subsection (5) of this section.

“(7) On the union of two or more districts under this section the following provisions shall have effect, that is to say:

“(a) The Boards of the original districts shall be dissolved:

“(b) All property, real or personal, belonging to the Board of any of the original districts shall become vested in the Board of the united district:

“(c) All rates and other money payable to the Board of any of the original districts shall become payable to the Board of the united district:

“(d) All the liabilities and engagements of the Board of any of the original districts shall become liabilities and engagements of the Board of the united district:

“(e) All proceedings pending by or against the Board of any of the original districts may be carried on or

prosecuted by or against the Board of the united district.”

(2) Section 21 of the Statutes Amendment Act 1944 is hereby repealed.

3. Inclusion of areas in districts—(1) The principal Act is hereby further amended by inserting, after section 5, the following section:

“5A. (1) Subject to the provisions of this section, the Governor-General may, from time to time, by Order in Council—

“(a) Include the whole or any part of any outer area of any district proposed to be united under section 5 of this Act in the united district:

“(b) Include the whole or any part of any area contiguous to any district proposed to be united under section 5 of this Act (not being an area which is part of a district or an outer area) in the united district:

“(c) Include the whole or any part of any outer area in the district of the Board controlling that outer area:

“(d) Include the whole or any part of any outer area contiguous to the district of a Board not controlling the outer area in the district of that Board:

“(e) Include the whole or any part of any area contiguous to the district of a Board (not being an area which is part of a district, or an outer area) in the district of that Board.

“(2) No area shall be included in a district pursuant to an Order in Council under subsection (1) of this section if a licence is in force under Part XIII of the Public Works Act 1928 authorising any local authority to supply electrical energy in the area, whether or not the area is within an outer area, without the consent of that local authority.

“(3) No area shall be included in a district pursuant to an Order in Council under subsection (1) of this section unless the Board of every district affected has made a special order recommending that the area or areas proposed to be included in a district should be so included.

“(4) Notice of any special order under subsection (3) of this section shall be published at least once in a newspaper circulating in the area proposed to be included and a copy of the order shall be served on every local authority having jurisdiction in that area.

“(5) If a request in writing signed by not less than fifteen per cent of the ratepayers within the area proposed to be included in a district under this section that the area should not be so included is, within twenty-eight days after the date of the first publication of the notice under subsection (4) of this section, delivered to the Minister, no Order in Council under this section shall be issued in respect of that area.

“(6) Notwithstanding the provisions of this or any other Act, any area to which any Order in Council under subsection (1) of this section applies shall, from a date to be prescribed in that behalf in the Order in Council, be deemed to be included in the appropriate district in accordance with the Order in Council.

“(7) Where a notice has been published under subsection (4) of this section, any provision of this Act, other than this section, relating to the change of boundaries of a district shall be deemed to be suspended so far as it applies to any area to which the notice relates until an Order in Council under this section relating to the area has been made or, as the case may be, a request under subsection (5) of this section has been delivered to the Minister.”

(2) Subsection (1) of section 7 of the principal Act is hereby amended by omitting the words “as provided in the last preceding section”, and substituting the words “in accordance with this Act”.

4. Power Fund Account—(1) The principal Act is hereby further amended by repealing section 73, and substituting the following section:

“73. (1) Subject to the provisions of section 56 of the Local Authorities Loans Act 1956, all money belonging to the Board shall be paid into such bank as the Board from time to time appoints, to an account to be called the Power Fund Account.

“(2) Subject to the provisions of this section, no money shall be drawn out of the Power Fund Account except pursuant to a resolution of the Board; and all money shall be paid by the Board in cash, or by cheque signed by any member of the Board authorised by the Board to sign cheques and countersigned by the Treasurer or any other person authorised in that behalf by the Board:

“Provided that it shall be lawful to make payments between meetings of the Board without a prior resolution of the Board.

“(3) At each ordinary meeting of the Board there shall be submitted for its approval a list of all payments made

under subsection (2) of this section without a prior resolution of the Board since the last preceding ordinary meeting of the Board.

“(4) Notwithstanding the provisions of subsection (2) of this section, it shall be lawful for any Board, with the prior consent in writing of the Audit Office (which consent may be general or specific) and subject to such conditions as the Audit Office prescribes, to pay any money by cheque issued by means of a cheque-writing machine, and every cheque issued by means of such a machine and bearing the facsimile of the signature of the Treasurer or of the Treasurer and such other person as the Board may by resolution authorise in that behalf shall be deemed to have been duly signed and countersigned in accordance with this section.”

(2) Section 5 of the Electric Power Boards Amendment Act 1947 and section 4 of the Electric Power Boards Amendment Act 1958 are hereby repealed.

5. Disposal of land or buildings not required—The principal Act is hereby further amended by repealing sections 92 and 93, and substituting the following section:

“92. (1) If any land taken under this Act or otherwise acquired by the Board or any buildings erected on any such land are not required for the purposes of the Board, the Board may—

“(a) Sell the land or buildings or any portion thereof either separately or together by public auction or public tender or, with the consent of the Minister and subject to such conditions as he may impose, by private treaty:

“(b) With the consent of the Minister, exchange the land or buildings or any part thereof for other land or buildings required for the purposes of the Board:

“(c) Let or lease the land or buildings or any portion thereof either separately or together upon such terms as the Board thinks fit for any period not exceeding twenty-one years or, with the consent of the Minister and subject to such conditions as he may impose, for a period exceeding twenty-one years.

“(2) Nothing in this section shall be construed to limit or affect the provisions of section 122 of this Act.”

6. Authentication of documents—The principal Act is hereby further amended by inserting, after section 110, the following section:

“110A. Every order, notice, or other such document requiring authentication by the Board may, unless otherwise provided, be signed by any two members of the Board or by an officer of the Board authorised by the Board in that behalf, and need not be under seal.”

7. Imprest Account—Section 14 of the Electric Power Boards Amendment Act 1927 is hereby amended as follows:

- (a) By omitting from subsection (3) the words “seventy-five pounds”, and substituting the words “one hundred and fifty pounds”:
- (b) By omitting from subsection (4) (as amended by section 24 of the Statutes Amendment Act 1941) the word “wages”, and substituting the words “salaries and wages”.

This Act is administered in the New Zealand Electricity Department.
