

ELECTRICITY BILL

EXPLANATORY NOTE

THIS Bill is a consolidation of the Electricity Act 1945, the State Supply of Electrical Energy Act 1917, and Part XIII of the Public Works Act 1928. All those enactments have been substantially amended from time to time. No major change is made in the legislation now in force, but the functions of the Minister of Electricity and the New Zealand Electricity Department are more clearly defined, the financial provisions are modernised, and various obsolete provisions are omitted or revised.

PART I

ADMINISTRATION

THIS Part continues in existence the New Zealand Electricity Department constituted by the Electricity Act 1945. Some provisions relating to the appointment of a General Manager and other officers, and the delegation of powers by the Minister and the General Manager are substantially the same as in the existing legislation. The general functions and duties of the Department and the powers of the Minister are more fully set out.

PART II

PROVISION AND SUPPLY OF ELECTRICITY

THIS Part repeats, in substantially the same form, the provisions of Part XIII of the Public Works Act 1928. The provisions of that Part relating to the use of water for electrical purposes are not repeated in this Bill as they are the subject of other more general legislation relating to a national policy in respect of the use of water.

The Minister is authorised to construct and maintain works for the generation and supply of electricity and is given all powers necessary for those purposes. In addition the Minister is authorised to carry on ancillary businesses relating to the supply of electricity.

Provision is made for the compensation of any person injuriously affected by the exercise of the powers conferred by this Part.

PART III

LICENSING OF SYSTEMS OF SUPPLY AND OF ELECTRIC LINES

THIS Part makes provision for the issue of licences to supply electricity, and licences to erect electric lines, and for the cancellation or variation of licences. Holders of licences to supply electricity are required to make annual returns to the Minister respecting the exercise of their licences. In view of the enactment of the Electricity Distribution Commission Act 1967, the provisions for the issue to Electrical Supply Authorities of licences (which are in effect franchises to supply to the public) are simplified.

PART IV

CONSENT TO GENERATION

THIS Part provides that no person or body shall use any water for the generation of electricity without the consent in writing of the Minister; and that no Electrical Supply Authority shall generate electricity or purchase electricity in bulk from any person or body except with the prior consent in writing of the Minister.

PART V

FINANCIAL PROVISIONS

THE provisions of this Part are now contained in the State Supply of Electrical Energy Act 1917 as amended.

The Part requires proper accounts to be kept in respect of works under Part II.

The account within the Public Account which is involved is the Works and Trading Account constituted under the Public Revenues Amendment Act 1963. That Account contains revenue from sources other than the sale of electricity so the legislation relating to it will remain in the Public Revenues Act 1953. The provisions relating to depreciation, loan repayment, and transfer to reserves have been revised to accord with modern practice. The method of calculation of prices for the supply of electricity remains unchanged.

PART VI

RURAL ELECTRICAL RETICULATION

THIS Part continues in existence the Rural Electrical Distribution Council and the Rural Reticulation Fund established under Part II of the Electricity Act 1945. The levy from which the Fund receives its revenue will be continued in accordance with the present legislation.

PART VII

MISCELLANEOUS PROVISIONS

THIS Part contains provisions relating to the registration of electricity agreements, protecting persons acting under the authority of the proposed Act, providing for the making of regulations, and making consequential repeals and amendments.

Hon. Mr Shand

ELECTRICITY

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A BILL INTITULED

**An Act to consolidate and amend certain enactments relating
to the generation and sale of electricity; and for other
purposes**

BE IT ENACTED by the General Assembly of New Zealand 5
in Parliament assembled, and by the authority of the same,
as follows:

1. Short Title—This Act may be cited as the Electricity
Act 1968.

2. Interpretation—In this Act, unless the context otherwise 10
requires,—

“Authorised officer”, in relation to an electricity agree-
ment under which the Electrical Supply Authority
is an Electric Power Board or a local authority, means
the Chief Executive Officer of the Board or local 15
authority; and, in relation to an electricity agreement
under which the Electrical Supply Authority is the
Tourist and Publicity Department, means the General
Manager of that Department; and, in relation to
any other electricity agreement under which the 20
Electrical Supply Authority is the Crown, means the
General Manager of the New Zealand Electricity
Department; and, in relation to an electricity
agreement under which the Electrical Supply Author-
ity is a company, means a director, or the secretary 25
or manager of the company:

“Council” means the Rural Electrical Reticulation Coun-
cil established under Part VI of this Act:

“Department” means the New Zealand Electricity
Department constituted under this Act: 30

“Electric line” or “line” means any wire or wires or other conductor, instrument, apparatus, device, or means used or intended to be used or reasonably capable of being used for transmitting, distributing, or otherwise
5 conducting electricity, or for the consumption or application of electricity; and includes any insulator, casing, tube, pole, or support, or any other thing, whether of similar kind or not, connected with or used for the purposes of an electric line; and, for the
10 purposes of any regulations under this Act, also includes any electric line which is situated on the premises of any consumer of electricity, or which forms part of any such consumer’s installation, or is connected thereto, or which is the property of any
15 such consumer or under his control, whether or not the electric line is used, laid, or placed beyond the limits of the premises of the person who owns or controls the electric line, or of whose installation it forms part, or to whose installation it is connected, and whether or not the electric line is used pursuant to a licence under this Act; but does not include the wire of any electric fence:

“Electrical Supply Authority” means any person or body licensed under Part III of this Act, or otherwise
25 authorised to supply electricity, and, in respect of any supply of electricity undertaken by the Crown, includes the Crown:

“Electricity agreement” means an agreement in writing made either before or after the commencement of
30 this Act between an Electrical Supply Authority and the owner or lessee of any land outside a borough or town district whereby the owner or lessee undertakes to make minimum payments to the Electrical Supply Authority in respect of electricity supplied for
35 any building or installation on the land, irrespective of the quantity of electricity so supplied; and includes any agreement which varies or is in substitution for an electricity agreement:

“General Manager” means the General Manager of the
40 Department:

“Lease” means any registered lease, and any registered or unregistered lease or licence from Her Majesty in respect of land (including a registered or unregistered
45 licence from Her Majesty to occupy any land pending the completion of the purchase of that land under a system of deferred payments); and includes a

mining privilege and a coal mining lease or coal mining right under the Coal Mines Act 1925; and "lessee" includes the registered owner of a mining privilege or coal mining lease or coal mining right:

"Mining privilege" has the same meaning as in the Mining Act 1926: 5

"Minister" means the Minister of Electricity:

"Registrar", in relation to any land (including the land comprised in a mining privilege that is registered under the Land Transfer Act 1952), means the District Land Registrar or the Registrar of Deeds, as the case may require, for the land registration district within which the land is situated; and, in relation to any land comprised in a mining privilege that is not registered under the Land Transfer Act 1952, or, in relation to a coal mining lease or coal mining right under the Coal Mines Act 1925 that is registered in the office of the Mining Registrar, means the Mining Registrar in whose office the mining privilege, lease, or right is registered: 10 15 20

"Works" means any works for the generation, transmission, or supply of electricity. 20

Cf. 1928, No. 21, s. 319 (3); 1945, No. 36, s. 2; 1948, No. 34, s. 2; 1956, No. 75, s. 3; 1958, No. 28, s. 5 (2)

PART I 25

ADMINISTRATION

3. New Zealand Electricity Department—There shall continue to be a Department of State to be known as the New Zealand Electricity Department.

Cf. 1945, No. 36, s. 3 (1); 1958, No. 31, s. 3 30

4. General Manager—There shall from time to time be appointed under the State Services Act 1962 a General Manager of the Department, who shall be the administrative head of the Department.

Cf. 1945, No. 36, s. 4 (1) 35

5. Appointment of other officers and employees—There shall from time to time be appointed under the State Services Act 1962 such other officers and employees of the Department as may be necessary.

Cf. 1945, No. 36, s. 41 40

6. Principal functions of Department—The Department, under the control of the Minister, shall have the following principal functions:

- 5 (a) To promote, organise, co-ordinate, continue, and maintain the production, transmission, and supply of electricity:
- (b) To encourage the development and improvement of systems of supply of electricity:
- 10 (c) To seek to ensure standards of safety, efficiency, and economy of operation in respect of the production, transmission, and supply of electricity:
- (d) To initiate and carry out surveys in respect of the supply and use of electricity:
- 15 (e) To advise Government Departments on all matters affecting electricity:
- (f) To carry out such functions and duties in respect of or incidental to the production, transmission, and supply of electricity as the Minister may from time to time direct.

20 **7. Principal duties of Department**—(1) It shall be the duty of the Department to advise the Minister and exercise the functions specified in section 6 of this Act and the duties specified in this section as fully and adequately as may be necessary to satisfy the need for electricity within New Zealand and to
25 carry out the purposes of this Act.

(2) Without limiting the generality of subsection (1) of this section, the Department shall—

- 30 (a) Administer the enactments specified in the First Schedule to this Act:
- (b) Undertake or provide for—
 - (i) The generation, purchase, or exchange of electricity:
 - (ii) The distribution of electricity in bulk to Electrical Supply Authorities:
 - 35 (iii) The direct supply of electricity to large consumers:
 - (iv) The retail supply of electricity to consumers:
- (c) Secure or promote—
 - 40 (i) A continuous programme of works providing adequate supplies of electricity:
 - (ii) The use of economical methods of generating, transmitting, and distributing electricity:
 - (iii) The cheapening, so far as practicable, of supplies of electricity:

- (iv) The simplification of methods of charge for supplies of electricity:
- (v) The avoidance of wide variations in charge for comparable types of supply of electricity:
- (vi) The standardisation of systems of supply and types of fittings: 5
- (vii) Research into matters affecting electricity:
- (viii) Safety and training in connection with all branches of the electrical industry:
- (d) Regulate, control, allocate, and (whenever in the opinion of the General Manager it is necessary) restrict or prevent the use of electricity. 10

8. Delegation of powers by Minister—(1) The Minister may from time to time, either generally or particularly, delegate to the General Manager all or any of the powers which are conferred on him as Minister of Electricity by this or any other enactment, including powers delegated to him under any enactment, but not including the power to delegate under this section or the power to consent to a delegation under section 9 of this Act. 15 20

(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. 25

(3) 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. 30 35

(4) 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. 40

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

Cf. 1945, No. 36, s. 4A; 1964, No. 86, s. 2

9. **Delegation of powers by General Manager**—(1) The General Manager may from time to time, either generally or particularly, delegate to such officer or officers or employee or employees of the Department as he thinks fit all or any
5 of the powers exercisable by him under this or any other enactment 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
10 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.

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

(3) Every person purporting to act pursuant to any delegation
20 tion under this section shall be presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary.

(4) Any delegation under this section may be made to a specified officer or employee or to officers or employees of a
25 specified class or may be made to the holder or holders for the time being of a specified office or class of offices.

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

(6) Any delegation under this section shall, until revoked,
30 continue in force according to its tenor, notwithstanding the fact that the General Manager to whom it was made may have ceased to hold office, and shall continue to have effect as if made by the person for the time being holding office as or
35 acting in the place of the General Manager.

Cf. 1945, No. 36, s. 4A; 1964, No. 86, s. 2

10. **Annual report**—(1) The General Manager shall, as soon as practicable after the end of each financial year, furnish to the Minister a report on the operations of the Department for that year.
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(2) A copy of the report shall be laid before Parliament within twenty-eight days after the date on which it has been furnished to the Minister if Parliament is then in session, and, if not, shall be laid before Parliament within twenty-eight days after the date of the commencement of the next ensuing session. 5

PART II

PROVISION AND SUPPLY OF ELECTRICITY

11. Minister may construct and maintain works for generation and supply of electricity—(1) Subject to the provisions of this Act, it shall be lawful for the Minister, on behalf of Her Majesty, to acquire, construct, operate, and maintain, any works for the generation of electricity, and generally to carry on the business in all its branches of the supply and sale of electricity: 15

Provided that the construction or provision of any public work, other than a work of a minor nature, shall be carried out in such manner as may be agreed upon between the Minister of Electricity and the Minister of Works.

(2) Subject to the provisions of this and any other Act and without limiting the general provisions of subsection (1) of this section, the Minister may from time to time— 20

(a) Construct, provide, and use such works, appliances, and conveniences as may be necessary, directly or indirectly, for generating electricity from any source of energy, for operating the national electrical system, and for the transmission, use, supply, and sale of electricity when generated: 25

(b) Use electricity when so generated in the construction, working, or maintenance of any public work, or for the smelting, reduction, manufacture, or development of ores, metals, or other substances: 30

(c) Alter the level or condition of any lake, river, or stream, and impound or divert the waters thereof, or alter the condition of the sea, in accordance with any rights obtained or existing under the Water and Soil Conservation Act 1967 or any specific authorisation by or under any other Act relating to natural water within the meaning of the Water and Soil Conservation Act 1967: 35 40

- 5 (d) Construct tunnels under private land, or aqueducts and flumes over the same, erect towers, pylons, and poles thereon, and carry wires over or along any such land, without being bound to acquire the same; and for these purposes the Minister shall have a right of way to and along all such works and erections:
- 10 (e) Construct such electric lines and works, lay such lines and cables, and construct and erect such towers, pylons, and poles, as may be necessary for the exercise of his functions under this Part of this Act:
- (f) Purchase, transport, and store all necessary fuels and provide and operate or cause to be operated ancillary services required for operating or maintaining the national electrical system:
- 15 (g) Provide public amenities in connection with any projected works at a cost not exceeding one percent of the estimated capital cost of these works, or in connection with existing works within limits determined from time to time in conjunction with the Minister of Finance:
- 20 (h) Supply and sell electricity and recover money due for the same:
- (i) Enter into any contract or agreement for carrying out the functions and duties of the Department and the purposes of this Act:
- 25 (j) Hold, manage, purchase, exchange, take on lease, or hire, acquire, or otherwise obtain any property whatsoever which in the opinion of the Minister is necessary for the exercise of his functions under this Act:
- 30 Provided that, in the case of land or any estate or interest in land, acquisition shall be undertaken on behalf of the Minister of Electricity by the Minister of Works under the provisions of the Public Works Act 1928:
- 35 (k) Lease or hire out any land, buildings, or other property whatsoever (whether real or personal) not required for immediate use:
- Provided that, in the case of land, no lease shall exceed a period of twenty-one years:
- 40 (l) Subject to the provisions of any other Act, sell or dispose of any property whatsoever obtained under this section which is no longer required for the purposes of carrying out his functions under this Act.

Cf. 1917, No. 22, s. 3; 1928, No. 21, s. 311

12. Execution of contracts—Every contract, agreement, deed, or other instrument relating to or arising out of—

(a) Any works acquired, erected, constructed, or provided by the Minister or under his control by virtue of this Act; or

(b) Any matter coming under the jurisdiction or control of the Minister by virtue of this Act,—

shall, unless otherwise expressly provided in any other enactment, be entered into in the name of Her Majesty, and may, notwithstanding anything to the contrary in any other Act, be executed on behalf of Her Majesty by the Minister or any person to whom authority is delegated under this Act.

Cf. 1945, No. 36, s. 6A; 1956, No. 75, s. 2

13. Purchase and installation of electrical equipment—

(1) The Minister, on behalf of Her Majesty, may purchase or otherwise acquire electrical appliances, fittings, machinery, materials, and equipment and may dispose of the same on such terms as he thinks fit, whether by way of sale for cash or on terms or by lease with or without a right of purchase, and generally may do all things that in his opinion may be incidental to any such business.

(2) The Minister may install electric lines and electrical appliances, fittings, machinery, materials, and equipment in public or private buildings, works, dwellings, and other places, and charge rent for the use thereof, or may accept payment therefor by instalments.

(3) Where in exercise of the powers conferred on him by this section the Minister has installed any electric lines or electrical appliances, fittings, machinery, materials, or equipment on any land or in any buildings on any land, the cost thereof (including the cost of installation) or any rent payable for the use thereof—

(a) Shall be a charge on the land to which electricity is supplied, and may be registered against the land under the provisions of the Statutory Land Charges Registration Act 1928; and

(b) May be recovered as rates in the same way as rates are recovered under the Rating Act 1967, and the provisions of that Act as to the recovery of rates shall apply accordingly:

Provided that where the cost or the amount of rent payable exceeds one hundred and twenty dollars, the foregoing provisions of this subsection shall not apply to the amount payable to the Minister in respect of that cost or as rent, unless before 5 the installation consent in writing is given thereto by or on behalf of the owner of the land and, where the land is subject to any duly registered mortgage, is also given by or on behalf of the mortgagee or mortgagees.

Cf. 1944, No. 25, ss. 63-65

10 **14. Transmission lines**—(1) For the purposes of this section, the term “transmission line” means any electric line, wire, cable, or other conductor used or intended to be used for the transmission of electricity; and includes any tower, pylon, gantry, pole, support, insulator, casing, tube, maintenance 15 telephone wire, and any other work, structure, or apparatus forming part of, or used or intended to be used for the support, maintenance, insulation, or protection of, any transmission line.

(2) Where under the powers conferred by this Act or any 20 other Act, it is proposed to construct, erect, or lay down any transmission line over, upon, or under any land, the Governor-General may issue a Proclamation defining the middle line of that transmission line, or of any part thereof, and in any such case the provisions of section 216 of the Public Works 25 Act 1928 shall, as far as they are applicable, and with the necessary modifications, and except so far as they may be inconsistent with the provisions of this section, apply in respect of the construction of the transmission line in like manner as if a railway were to be constructed.

30 (3) Every Proclamation under this section shall define, by reference either to the distance on each side of the middle line or to the more distant section boundaries, or by reference to both, all land within four chains from the middle line upon or in respect of which it is intended to exercise the powers 35 conferred by this Act or any other Act in respect of the erection, maintenance, and use of the transmission line.

(4) The Minister shall cause a copy of every Proclamation under this section, and of every map and plan prepared in connection therewith, to be deposited without fee in the Dis- 40 trict Land Registry Office for each district in which is situated any land affected by the Proclamation.

(5) The District Land Registrar shall register against the land a memorial of the Proclamation and of the accompanying maps and plans.

(6) As soon as may be after the public notification of a Proclamation under this section, the Minister shall notify the persons then owning and occupying the land affected by the Proclamation that it is intended to take any part of the land for the transmission line, or that it is intended to construct the transmission line over, upon, under, or close to the land, or that the land will not be affected, as the case may be.

(7) If any land is to be taken, the time for claiming compensation shall run from the date of the Proclamation taking the land; and, if the transmission line is to pass over, upon, under, or close to the land without any part of the land being taken, the time for claiming compensation for any injurious effect thereto shall run as if the claim were a claim for damage under section 45 of the Public Works Act 1928.

(8) At any time after a transmission line has been completed, or after the construction of a proposed transmission line has been abandoned, or after the Minister is satisfied that any transmission line referred to in a Proclamation under this section does not, or will not, pass over, upon, or under, or injuriously affect the land against which the Proclamation has been registered, or if for any other reason the Minister deems it expedient so to do, the Minister may cause to be deposited without fee in the appropriate District Land Registry Office a certificate signed by him or on his behalf authorising the cancellation of the registration of the Proclamation and setting forth a description or reference to all lands in respect of which cancellation of the registration is desired.

(9) On the deposit of any certificate under subsection (8) of this section, the District Land Registrar shall take all necessary steps to discharge or cancel the memorials or entries made under this section in respect of all lands referred to in the certificate.

Cf. 1948, No. 39, s. 43

15. Right of entry—For the purpose of carrying out any works authorised by this Act the Minister shall have the right at any time or times to enter upon any road, street, railway, or other land (whether vested in or occupied by the Crown or any other person or body corporate), and there to survey, construct, erect, lay down, maintain, renew, or repair all such cables, wires, and other things as are required for or in connection with any such works.

Cf. 1928, No. 21, s. 312

16. Compensation for damage—(1) Every person having any right, title, estate, or interest in any land or property injuriously affected by the exercise from time to time of any powers conferred by this Act shall be entitled to full compensation for all loss, injury, or damage suffered by him.

(2) In default of agreement between the parties, claims for compensation under this section shall be made and determined within the time and in the manner provided by the Public Works Act 1928, and the provisions of that Act shall, as far as they are applicable and with the necessary modifications, apply with respect to claims under this section.

(3) This section shall apply to claims on behalf of the Crown, as well as to claims by or on behalf of other persons.

(4) Notwithstanding the provisions of any enactment or any rule of law, the exercise of any power conferred by this Part of this Act on the Minister shall not be curtailed, suspended, or delayed by reason of the fact that any claim for compensation under this section has been made but not determined.

Cf. 1928, No. 21, s. 313

17. Damage to works—Every person who damages any electric line, works, appliances, or equipment erected, constructed, or used under the authority of this Act shall be liable for the amount of the damage, to be recovered by any person authorised in that behalf by the Minister in any Court of competent jurisdiction, and, if any such damage is done wilfully, that person commits an offence and shall be liable in addition, on summary conviction, to a fine not exceeding one thousand dollars.

Cf. 1928, No. 21, ss. 314, 322

18. Trespass—(1) Every person who trespasses on any works being constructed under the authority of this Act, or on any land occupied or temporarily occupied for the purposes of any such construction, commits an offence and is liable on summary conviction to a fine not exceeding one hundred dollars.

(2) Every person who rides or drives any animal or vehicle on any such works or land without lawful authority commits an offence and is liable on summary conviction to a fine not exceeding two hundred dollars.

Cf. 1928, No. 21, s. 311 (2)

19. Removal of trees causing damage to electric lines—

(1) If any tree growing on any land causes or is likely to cause damage to an electric line, the General Manager (in the case of a line erected by the Minister under this Act) or the licensee (in the case of a line licensed under section 21 of this Act) may give notice to the owner or occupier of that land to remove the tree or any part thereof, and if the owner or occupier fails to comply with the notice within the time specified therein (being not less than seven days) the Minister or the licensee, as the case may require, may enter upon the land and remove the tree or any part thereof, but so that no unnecessary damage is done or incurred thereby. 5 10

(2) Where pursuant to this section any tree or part of a tree is removed, compensation, to be assessed in the manner prescribed by the Public Works Act 1928, shall be payable if the tree was growing on the land before the erection of the electric line, but not in any other case. 15

Cf. 1928, No. 21, ss. 324, 325

PART III**LICENSING OF SYSTEMS OF SUPPLY AND OF ELECTRIC LINES 20**

20. Licence to supply electricity—(1) No person or body shall supply electricity to the public except under the authority and subject to the provisions of a licence issued to him by the Minister under this section.

(2) The Minister may issue any licence under this section subject to such terms as he may think fit. 25

(3) A licence issued under this section shall be for a fixed period of time and within a specified area.

(4) The holder of a licence under this section may, subject to the provisions of his licence and subject to this Act and any regulations made under this Act, lay, construct, put up, place, or use all electric lines and works which may from time to time be required for the distribution and supply of electricity within the area specified in the licence. 30

(5) Every licence to erect lines issued to an Electrical Supply Authority under the Public Works Act 1928 shall be deemed to be a licence issued by the Minister under and in compliance with this section. 35

21. Licences to erect lines—(1) No person shall lay, construct, put up, place, or use any electric line except under the authority of a licence issued to him by the Minister under section 20 of this Act or under this section.

5 (2) The Minister may issue any licence under this section subject to such terms as he may think fit.

(3) Any licence under this section may authorise the licensee to lay, construct, put up, place, or use any specified electric line or specified electric lines or may be general in its
10 application and authorise the licensee to lay, construct, put up, place, or use all electric lines which may from time to time be required.

(4) This section shall not apply to any line as defined in section 141 of the Post Office Act 1959, nor to any electric
15 line used for the transmission of power for electric-tramway purposes under the authority of an authorising order issued under the Tramways Act 1908.

(5) Subsection (1) of this section shall not apply to any electric line which is not laid or placed, or is not intended to be used, laid, or placed, beyond the limits of the premises of
20 the person who owns or controls the line, or of whose installation it forms part, or to whose installation it is connected.

Cf. 1928, No. 21, s. 319; 1945, No. 36, s. 23; 1948, No. 34, s. 6 (1); 1958, No. 28, s. 5 (1); 1960, No. 105, s. 23; 25 1961, No. 32, s. 2; 1967, No. 113, s. 2

22. Cancellation or variation of licences—(1) The Governor-General in Council may at any time, on giving not less than three months' notice in writing of his intention to do so, cancel any licence issued under section 20 or section 21 of
30 this Act.

(2) The Minister may at any time, on the application of the licensee, amend, extend, or vary the terms, conditions, or obligations of any such licence; or may issue a new licence in place of any such licence.

35 (3) The powers conferred by subsection (1) of this section may be exercised in respect of any such licence, whether issued before or after the commencement of this Act:

Provided that, if any such licence issued before the twenty-ninth day of August, nineteen hundred and twenty-three,
40 (being the date of the commencement of the Public Works Amendment Act 1923) does not in its terms confer express power for the revocation thereof by the Governor-General in Council, or by any other authority, the licensee shall be

entitled to full compensation as a person suffering damage from the exercise of the power conferred by this section, and the provisions of Part III of the Public Works Act 1928 shall apply accordingly in respect of any such compensation as if the damage had been suffered from the exercise of a power under that Act: 5

Provided also that it shall be lawful for the Minister to agree with any such licensee for the supply of electricity to the licensee from other sources upon special terms in satisfaction or part satisfaction of the claim of the licensee to compensation. 10

(4) The power conferred on the Governor-General in Council by this section to cancel licences shall not be exercised unless in any case the licensee has made default in complying with the terms of the licence and unless the terms of the licence or the regulations relating thereto provide that the licence may be cancelled in the event of default of that nature being made by the licensee. 15

Cf. 1928, No. 21, s. 326

23. Returns by licensees—Every person who is the holder of a licence under section 20 of this Act shall furnish to the Minister, in such form as the Minister may require or as may be prescribed, not later than the thirtieth day of June in each year, such particulars respecting his exercise of his rights under the licence as may be prescribed by regulations under this Act. 20 25

Cf. 1928, No. 21, s. 328 (1)

24. Concessions subject to consent of Governor-General—Notwithstanding anything to the contrary in any Act, it shall not be lawful for any local authority to grant to any person any right or concession for the purpose of either generating or using electricity as a motive power without in each instance obtaining the prior consent of the Governor-General in Council. 30

Cf. 1928, No. 21, s. 317 35

PART IV

CONSENT TO GENERATION

25. Generation of electricity by means of water power—
(1) No person or body shall generate electricity by the use of water without the consent in writing of the Minister. 40

(2) Where the use of water for the generation of electricity is also conditional on a grant of water rights under the Water and Soil Conservation Act 1967, an application under that Act shall be deemed to be an application under this section; and
5 the authority to which the application is made under the Water and Soil Conservation Act 1967 shall refer the application to the Minister who may, if he thinks fit, consent to it in accordance with this section and so advise the authority:

10 Provided that nothing in this subsection shall be construed as limiting the powers of the Minister under this Act.

(3) The Minister may from time to time require any person using or proposing to use water for the generation of electricity to supply plans, particulars, reports, figures, or details of any such use or intended use.

15 (4) In giving any consent under this section the Minister may impose such conditions as he thinks fit.

26. Generation and purchase of electricity by Electrical Supply Authorities—(1) No Electrical Supply Authority shall generate electricity or purchase electricity in bulk from any
20 person or body except with the prior consent in writing of the Minister.

(2) In giving any consent under this section the Minister may impose such conditions as he thinks fit.

PART V

25 FINANCIAL PROVISIONS

27. Accounts to be kept—(1) The Minister shall cause full and correct accounts to be kept in respect of the production, transmission, and supply of electricity in accordance with this Act and of all money received and expended in connection
30 therewith.

(2) The accounts kept under this section shall show—

- (a) The capital expenditure; and
- (b) The capital liability; and
- (c) The profit or loss arising from the operations; and
- 35 (d) The amounts from time to time transferred to the Depreciation Account and the General Reserve Account under this Part of this Act.

Cf. 1917, No. 22, s. 5; 1947, No. 45, s. 4 (2)

28. Balance sheet and profit and loss account—(1) The
40 Minister shall cause a balance sheet and a profit and loss account to be prepared for each financial year.

(2) A copy of the balance sheet and of the profit and loss account, duly audited by the Audit Office, shall be laid before Parliament during the session of Parliament first ensuing after the close of the financial year to which the accounts relate.

Cf. 1917, No. 22, s. 6

5

29. Revenue to be paid into Works and Trading Account—
There shall from time to time be paid into the Works and Trading Account—

- (a) All money derived from the sale of electricity pursuant to this Act; and
(b) All other revenue received under this Act.

10

Cf. 1917, No. 22, s. 8; 1963, No. 46, s. 8

30. Money payable out of Works and Trading Account—
(1) There shall from time to time be paid out of the Works and Trading Account—

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- (a) All charges and expenses incurred in respect of the acquisition, construction, development, maintenance, management, and operation of, and all charges and expenses in respect of any preliminary explorations, surveys, and investigations undertaken in connection with the development of, the national electrical system:
(b) All charges and expenses incurred by the Department in connection with the administration of the Acts referred to in the First Schedule of this Act and in carrying out any other function lawfully conferred on the Minister or the Department:
(c) All other money payable out of the Works and Trading Account pursuant to this Act or any other Act relating to or affecting the supply of electricity.

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(2) There shall be payable from the Works and Trading Account out of money appropriated by Parliament for the purpose such sums as the Minister from time to time considers necessary for the purpose of promoting or maintaining safety, efficiency, and economy in the use of or application of electricity, including contributions to organisations or bodies having as their object or one of their objects the promotion or maintenance of safety, efficiency, or economy in the use or application of electricity.

35

Cf. 1917, No. 22, s. 9; 1961, No. 102, s. 2

40

31. Depreciation Account—(1) At the end of each financial year there shall be transferred to the Depreciation Account—

- (a) An amount calculated on the capital cost of the completed works, being not less than one percent:
 - 5 (b) An amount equal to four percent of the balance in the Depreciation Account at the end of the previous financial year.
- (2) No transfer shall be made under this section that causes the balance in the Depreciation Account to exceed an amount
- 10 equal to the capital cost of the completed works.
- (3) There may be charged to the Depreciation Account—
- (a) The cost from time to time of repairing, replacing, or renewing the machinery, plant, buildings, and appliances:
 - 15 (b) The capital cost of assets disposed of, destroyed, or replaced or no longer of value in so far as the capital cost exceeds the credits received from the disposal of the assets.
- (4) The balance to the credit of the Depreciation Account
- 20 after making the charges referred to in subsection (3) of this section shall be used for the extension of any existing work or for the construction of any new works.

32. General Reserve Account—(1) Any balance of revenue in any year after making provision for any charges authorised

25 by this Act, shall be credited to the General Reserve Account.

- (2) There may from time to time be charged to the General Reserve Account—
- (a) The cost of repairing, replacing, or renewing the machinery, plant, and works in so far as any such
 - 30 cost is not properly chargeable to the Depreciation Account by reason of accident or other cause:
 - (b) The capital cost of assets disposed of, destroyed, replaced, or no longer of value in so far as the capital cost exceeds the credits received from the disposal
 - 35 of the assets, and which are not properly chargeable to the Depreciation Account:
 - (c) Any loss incurred after making provision for the charges authorised by this Act:
 - (d) Any general expenses not properly chargeable against
 - 40 the revenue received under this Act:

- (e) The balance of interest during construction and the balance of the cost of raising loans as appearing in the balance sheet as at the thirty-first day of March immediately before the commencement of this Act.
- (3) The balance to the credit of the General Reserve Account after making the charges referred to in subsection (2) of this section shall be applied firstly to the reduction of the capital liability referred to in section 33 of this Act as provided in that section, and may be used secondly for the extension of any existing work, or for the construction of any new works. 5 10

33. Repayment of capital liability—(1) So long as the Works and Trading Account has a capital liability to the Consolidated Revenue Account under section 14 of the New Zealand Loans Act 1953 in respect of the supply of electricity, there shall, without any further appropriation than this section, be transferred in each financial year to the Loans Redemption Account from the Works and Trading Account for the reduction of that capital liability the following amounts, namely: 15

- (a) An amount equal to a half percent of the capital liability at the end of the previous year: 20

Provided that for the purposes of this paragraph the capital liability shall be deemed to be reduced by any amount for the time being outstanding under any loan from the International Bank for Reconstruction and Development raised for the purpose of the supply of electricity: 25

- (b) An amount equal to four percent of all the amounts repaid during the previous sixty years in reduction of the capital liability: 30

Provided that for the purposes of this paragraph the amounts repaid during the previous sixty years shall be deemed to be reduced by all amounts repaid to the International Bank for Reconstruction and Development under any loan agreement in respect of any loan from that Bank raised for the purpose of the supply of electricity: 35

- (c) Any amounts agreed to be repaid to the International Bank for Reconstruction and Development from time to time as they fall due under any loan agreement in respect of any loan raised from that Bank for the purposes of the supply of electricity. 40

(2) The amounts that have from time to time before the commencement of this Act been applied or set aside for the reduction of capital liability shall be deemed to have been transferred to the General Reserve Account.

5 **34. Calculation of prices for supply of electricity by Department**—(1) The prices charged for all electricity supplied and sold to Electrical Supply Authorities under this Act shall be so calculated as to produce, in respect of the period for which the prices are charged, an amount of revenue which,
10 together with all other revenues which it is estimated by the Minister will be paid into the Works and Trading Account pursuant to section 29 of this Act in respect of that period is twenty-five percent, or such other percentage, not exceeding fifty, as the Minister of Electricity and the Minister of Finance,
15 after consultation with the Electrical Supply Authorities Association, determine in respect of any such period, more than the total amount which it is estimated by the Minister of Electricity will be required to make full provision in respect of that period for all charges and expenses in connection with
20 the management, operation, and maintenance of the supply of electricity.

(2) Charges and expenses referred to in subsection (1) of this section include amounts required to be transferred to the Depreciation Account and the payments for interest required
25 to be made from the Works and Trading Account under subsection (5) of section 14 of the New Zealand Loans Act 1953; but shall not include the amounts required to be transferred to the Loans Redemption Account under subsection (1) of section 33 of this Act.

30 (3) In each financial year the balance of all such revenues after meeting all such charges and expenses as aforesaid shall be transferred to the credit of the General Reserve Account in accordance with section 32 of this Act.

(4) Notwithstanding the provisions of subsection (1) of
35 this section, the prices charged by the Minister for electricity supplied and sold to an Electrical Supply Authority may be reduced by the Minister if he is satisfied—

- 40 (a) That the electricity will be resold at reduced rates to a person who proposes to establish a new industry or to expand an existing industry; and
(b) That the establishment or expansion of the industry will be in the national interest; and

(c) That an adequate supply of electricity at the reduced rates is necessary for the establishment or expansion of the industry.

(5) Notwithstanding the provisions of subsection (4) of this section, the total prices charged by the Minister for the supply of electricity to which subsection (1) of this section applies shall be so calculated and charged as to ensure that the revenue collected from all such charges is sufficient to comply with the provisions of the said subsection (1).

Cf. 1917, No. 22, s. 3A; 1957, No. 109, s. 2; 1963, No. 46, s. 26 (2); 1964, No. 112, s. 2

PART VI

RURAL ELECTRICAL RETICULATION

35. Rural Electrical Reticulation Council—(1) There shall continue to be a Council called the Rural Electrical Reticulation Council.

(2) The Council shall consist of—

(a) The General Manager of the Department, who shall be the Chairman of the Council:

(b) One person, who shall be an officer of the Department, to be appointed by the Minister:

(c) Three persons, to be appointed by the Minister on the recommendation of the Executive Committee of the Electrical Supply Authorities Association of New Zealand, each of whom shall be at the time of his appointment an elected member of an Electrical Supply Authority.

Cf. 1945, No. 34, s. 7

36. Term of office of members of Council—(1) Except as otherwise provided by this Part of this Act, every member of the Council shall hold office for a term of three years, but may from time to time be reappointed.

(2) Notwithstanding the provisions of subsection (1) of this section, the terms of office of the members of the Council in office at the commencement of this Act under paragraph (c) of subsection (2) of section 7 of the Electricity Act 1945 shall expire in accordance with subsection (3) of section 9 of the Electricity Act 1945 (as added by section 2 of the Electricity Amendment Act 1967) notwithstanding the repeal of those enactments.

(3) Notwithstanding anything to the contrary in this Part of this Act, every member of the Council, unless he sooner vacates his office under section 38 of this Act, shall continue in office until his successor comes into office.

5 Cf. 1945, No. 36, s. 9; 1967, No. 74, s. 2.

37. Deputies of members—(1) In any case in which the Minister is satisfied that any member of the Council is incapacitated by illness, absence, or other sufficient cause from performing the duties of his office, the Minister may appoint
10 a deputy to act for that member during his incapacity.

(2) In the case of the incapacity of the Chairman, his deputy shall be the person for the time being carrying on the duties of the General Manager of the Department.

(3) Any deputy appointed under this section shall, while
15 he acts as such, be deemed to be a member of the Council.

(4) No appointment of a deputy and no act done by him as such, and no act done by the Council while any deputy is acting as such, shall in any proceedings be questioned on the ground that the occasion for his appointment had not
20 arisen or had ceased.

Cf. 1945, No. 36, s. 11

38. Extraordinary vacancies—(1) Any appointed member of the Council may at any time be removed from office by the Minister for disability, bankruptcy, neglect of duty, or mis-
25 conduct proved to the satisfaction of the Minister, or may at any time resign his office by written notice to the Minister.

(2) If any appointed member of the Council dies or resigns or is removed from office, his office shall become vacant and the vacancy shall be deemed to be an extraordinary vacancy.

30 (3) An extraordinary vacancy shall be filled by the appointment of a person in the same manner as the appointment of the vacating member.

(4) Every person appointed to fill an extraordinary vacancy shall be appointed for the residue of the term for which the
35 vacating member was appointed.

(5) The powers of the Council shall not be affected by any vacancy in the membership thereof.

Cf. 1945, No. 36, s. 10

39. Meetings of Council—(1) Meetings of the Council shall be held at such times and places as the Council or the Chairman may from time to time determine.

(2) The Chairman of the Council, or any three members thereof, may at any time call a special meeting of the Council. 5

(3) At all meetings of the Council the quorum necessary for the transaction of business shall be three members.

(4) The Chairman shall preside at all meetings of the Council at which he is present.

(5) In the absence of the Chairman from any meeting of the Council the members present shall appoint one of their number to be the Chairman at that meeting. 10

(6) At any meeting of the Council the Chairman shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote. 15

(7) All questions before the Council shall be decided by a majority of the valid votes recorded thereon.

(8) In the absence from any meeting of the Council of a member who is an officer of the Department, any other officer of the Department having authority to act in his place during his absence may attend the meeting in his stead, and while so attending shall be deemed to be a member of the Council. 20

(9) Subject to the provisions of this Act and of any regulation thereunder, the Council may regulate its procedure in such manner as it thinks fit. 25

Cf. 1945, No. 36, s. 12

40. Officers of Council—There may from time to time be appointed in accordance with the State Services Act 1962 such officers and employees as are necessary for the purposes of this Part of this Act. 30

Cf. 1945, No. 36, s. 13

41. Functions of Council—(1) The functions of the Council shall be—

(a) To control and administer the Rural Reticulation Fund: 35

(b) To fix the rate of levy payable by Electrical Supply Authorities to the Fund:

(c) To investigate claims for subsidies from the Fund and determine the amount of the subsidies and the terms and conditions (if any) upon and subject to which the subsidies may be granted: 40

(d) To advise the Government in relation to any of the foregoing matters and as to any regulations that may be necessary for the proper administration of this Part of this Act.

5 (2) The Council shall have such other functions as are by this Act or by any other Act imposed upon it.

Cf. 1945, No. 36, s. 14

42. Rural Reticulation Fund—(1) There shall continue to be a fund within the Trust Account of the Public Account
10 called the Rural Reticulation Fund.

(2) There shall from time to time be paid into the Rural Reticulation Fund the proceeds of the levy referred to in section 43 of this Act, and such other money as may from time to time be lawfully payable into the Fund.

15 Cf. 1945, No. 36, s. 15

43. Levy—(1) Each Electrical Supply Authority shall in each year within three months after the expiration of its financial year pay to the Public Account to the credit of the Rural Reticulation Fund a sum by way of levy, being such proportion
20 of the gross revenues of the Electrical Supply Authority from the sales of electricity during that financial year as is determined pursuant to subsection (2) of this section.

(2) The proportion of the gross revenues payable by way of levy as aforesaid shall be one two-hundredth thereof or such
25 lesser proportion as may from time to time be fixed by the Council.

(3) If any Electrical Supply Authority fails to pay the amount of the levy properly payable by it under this section, the amount thereof shall be recoverable in any Court of
30 competent jurisdiction as a debt due to the Crown.

Cf. 1945, No. 36, s. 16

44. Money payable out of Fund—(1) There shall from time to time, without further appropriation than this section, be paid out of the Rural Reticulation Fund such sums as the
35 Council shall direct to be paid by way of subsidies under section 45 of this Act.

(2) There shall from time to time be paid out of the Works and Trading Account, in accordance with the appropriation of Parliament, all salaries and allowances and other expenditure incurred in the administration of this Part of this Act, and the amounts so paid shall, without further authority than this section, be refunded to the Works and Trading Account out of the Rural Reticulation Fund. 5

Cf. 1945, No. 36, s. 17

45. Subsidies—(1) Subject to the provisions of this section, the Council may from time to time direct the payment to any Electrical Supply Authority of such sum as the Council may think fit by way of subsidy towards the annual cost of supplying electricity to any consumer or group of consumers in any sparsely populated area. 10

(2) Each such subsidy shall be granted in respect of the whole or a defined portion of an electric line serving an area or consumer. 15

(3) Subject to the provisions of this section, any subsidy granted under this section shall not in any financial year of an Electrical Supply Authority exceed half the amount which the Council, having regard to the capital cost of the electric line or the portion thereof in respect of which the subsidy is granted, considers is the annual cost of supplying electricity to the consumers served by that electric line or portion thereof: 20

Provided that the amount of the subsidy may, in the discretion of the Council, 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 percent of the capital cost of the electric line. 25 30

(4) No subsidy shall be granted in respect of the whole or any portion of any electric line after the expiration of twenty years from the date of the payment of the first subsidy under this section in respect thereof.

(5) In any case where an Electrical Supply Authority certifies that, notwithstanding any subsidy which may be payable under subsection (1) of this section, it cannot economically supply electricity to any consumer or group of consumers within its district and that the public interest warrants assistance under this subsection, the Council may in its discretion from time to time pay, by way of subsidy to that consumer or group of consumers for the purpose of providing plant for 35 40

generating electricity, an annual sum not exceeding the amount which the Council, having regard to the capital cost of the generating plant, but not to any maintenance or operating charges, considers to be the annual capital charges payable in respect of any such plant:

Provided that, in any case where the Electrical Supply Authority does not receive a supply of electrical energy from the Crown, the Council may, if it thinks fit, pay the subsidy to the Electrical Supply Authority.

(6) The Council shall have the right to inspect or cause to be inspected any such plant from time to time during the period in which any subsidy in respect of the plant is payable for the purpose of satisfying itself that the plant is maintained in good order and condition and that the owner thereof has complied with the terms and conditions on which the subsidy was granted.

(7) Any subsidy granted under this section may be granted upon and subject to such terms and conditions as the Council thinks fit, and, if any person accepts the subsidy upon and subject to those conditions, he shall be deemed to have contracted with the Council to observe the terms and conditions and shall be liable for a breach thereof accordingly, notwithstanding any enactment or rule of law to the contrary.

Cf. 1945, No. 36, s. 18; 1959, No. 63, s. 2; 1964, No. 86, s. 3; 1965, No. 82, s. 3

46. Fees and travelling allowances—(1) The Council is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

(2) There may be paid to the members of the Council, and to any person or persons appointed pursuant to section 47 of this Act, remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

Cf. 1945, No. 36, s. 8; 1951, No. 79, s. 10 (1)

47. Appointment of persons to report—The Council may at any time if it thinks fit appoint any person or persons to inquire into and report on any matter within the functions of the Council.

Cf. 1945, No. 36, s. 19

48. Contracts by Council—(1) All contracts made by the Council shall be made on behalf of Her Majesty the Queen.

(2) The Public Bodies Contracts Act 1959 is hereby amended by inserting in Part II of the First Schedule, in its appropriate alphabetical order, the following item: 5

“The Rural Electrical Reticulation Council | 1968, No. _____ The Electricity Act 1968”

Cf. 1945, No. 36, s. 20

49. Annual report and accounts—(1) The Minister shall in the month of June in each year or as soon thereafter as practicable cause to be prepared a report on the operations of the Council, and a statement of accounts for the year ending with the thirty-first day of March then last past. 10

(2) The report and statement of accounts shall be laid before Parliament within twenty-eight days after the date on which they have been received by the Minister if Parliament is then sitting or, if Parliament is not then sitting, within twenty-eight days after the date of the commencement of the next ensuing session. 15

Cf. 1945, No. 36, s. 26

20

PART VII

MISCELLANEOUS PROVISIONS

50. Registration of electricity agreements—(1) Where the owner or lessee of any land outside a borough or town district has entered into an electricity agreement, that agreement may be registered against the title of that owner or lessee to the whole or any part of the land usually occupied by him in conjunction with any building or installation to which the agreement applies. 25

(2) Registration of an electricity agreement may be effected by depositing with the Registrar a duplicate of the agreement certified under the hand of an authorised officer of the Electrical Supply Authority, together with an application for the registration of the agreement, which application shall be signed by the authorised officer and shall specify the land against which it is desired to register the agreement, and shall certify that the agreement is one that may be registered against that land under this section. 30 35

(3) On receipt of the duplicate agreement and application as aforesaid, the Registrar shall, without fee, enter a memorial of the agreement upon the register against the title to the land of the owner or lessee who is a party to the agreement specified
5 in the application. In any such case it shall not be necessary for the Registrar to record the like memorial on the duplicate certificate of title or lease. The memorial may sufficiently describe the agreement as an electricity agreement under
10 section 50 of the Electricity Act 1968.

10 (4) Any electricity agreement which varies or is in substitution for an earlier electricity agreement (whether that agreement is registered or not) may be registered under this section.

15 (5) Upon the expiration or termination of a registered electricity agreement, an authorised officer of the Electrical Supply Authority shall sign a certificate stating that the agreement has so expired or been terminated and shall deposit the certificate with the Registrar. The Registrar shall there-
20 upon, without fee, enter a memorial of the expiration or termination of the agreement on the register against the appropriate title.

25 (6) Where the owner or lessee of any land in respect of which an electricity agreement is registered sells, transfers, or disposes of by way of lease or sublease, any part of that land, being a part on which there neither is nor has been any build-
30 ing or installation to which the agreement applies, an authorised officer of the Electrical Supply Authority shall sign a certificate stating that the said part of the land is released from the operation of the agreement. Every such certificate
35 shall contain a description of the said part of the land sufficient to enable the Registrar to identify that part. On the certificate being deposited with the Registrar he shall, without fee, enter a memorial of the release upon the register against the appropriate title.

35 Cf. 1948, No. 34, s. 3; 1956, No. 75, s. 3

51. Registered electricity agreements to run with the land—(1) Except so far as is otherwise expressly provided by this Act or by any electricity agreement, while an electricity agreement is registered against the title of any owner or lessee
40 to any land, until the expiry of the agreement by effluxion of time or (where the agreement is registered against the title

of a lessee) the sooner determination of the lease and every renewal thereof by effluxion of time or otherwise, the said agreement shall run at law with the land against the title to which it is registered so as to confer and impose upon every person who, at the date of the registration of the agreement or at any time thereafter, is for the time being the occupier of that land or of any part thereof, a right to enforce and an obligation to observe and perform the agreement during the period of his occupation of that land or any part thereof, and a liability to pay to the Electrical Supply Authority all money becoming due under the agreement during the period of his occupancy of that land or any part thereof, in the same manner as if the occupier had been a party to the agreement. Where there is more than one such occupier, the obligation and liability so imposed on them shall be borne by them in such manner as the Electrical Supply Authority and the occupiers may agree or, in default of agreement, by the occupiers jointly.

(2) Where the lessee for the time being under any lease (whether granted before or after the commencement of this Act) of any land, or of any part of any land, in respect of the title to which an electricity agreement is for the time being registered, surrenders his lease and obtains a new lease in exchange therefor, the electricity agreement and the appropriate provisions of this Act shall continue to apply as if the new lease were a renewal of the surrendered lease.

(3) Where any such lessee obtains a title in fee simple to land in respect of which an electricity agreement is for the time being registered, the electricity agreement and the appropriate provisions of this Act shall continue to apply to the land to which the title in fee simple has been so obtained as if the agreement, so far as it affects that land, had been made with the legal owner in fee simple of the land.

(4) No electricity agreement which runs with the land in accordance with this section shall confer any right or impose any obligation on any party to the agreement or any occupier of the land, not being the Electrical Supply Authority, except in respect of the period of his occupation of the land.

(5) Notwithstanding anything in the foregoing provisions of this section, no such electricity agreement shall confer any right or impose any obligation—

5 (a) On any occupier who is in occupation of the land or of any part thereof at the date of the registration of the agreement or on any person deriving title through any such occupier; or

10 (b) On any mortgagee under any mortgage registered before the registration of the agreement, or on any person deriving title through any such mortgagee— unless that occupier or, as the case may require, that mortgagee is a party to the agreement or otherwise consents thereto.

Cf. 1948, No. 34, s. 4

15 **52. Money payable under agreement may be made a charge on land—**(1) If at any time any money is due and unpaid under any registered electricity agreement, an authorised officer of the Electrical Supply Authority may, without fee, deposit with the Registrar a certificate under his hand specifying the amount due and unpaid under the agreement by any occupier of the land, and the registered estate or interest of that occupier in any land against the title to which the agreement is registered, and the Registrar shall thereupon register the certificate in respect of the said estate or interest of that occupier.

20 (2) Upon registration of the certificate, the amount mentioned therein, and all money which after the signing of the certificate and before the release thereof accrues due by that occupier under the electricity agreement, shall, until payment thereof, be a charge on the said estate or interest in the land of that occupier.

30 (3) The registration of the certificate shall be deemed to be the registration of the charge for the purposes of the Statutory Land Charges Registration Act 1928.

35 (4) Where any such occupier has an interest in the land as lessee under a lease, the charge shall extend to the interest (if any) of the lessee in any improvements to the land and in any money that may be payable by the lessor and by an incoming tenant and otherwise for any such improvements, whether during the term of the lease or thereafter.

(5) Every such charge shall be void as against a purchaser under any deed, contract, or instrument (whether executed before or after the said certificate) which is duly registered before the registration of the certificate.

(6) Upon payment to it of all money for the time being charged on the estate or interest of any occupier in any land in consequence of the registration of a certificate under this section, the Electrical Supply Authority, if requested, shall cause a release of the certificate to be registered. 5

(7) Upon the deposit with the Registrar of a release of the certificate so far as it affects the estate or interest of any occupier in any land specified in the application, the Registrar shall, without fee, enter a memorial of the release upon the register against the appropriate title. 10

(8) For the purpose of enforcing any charge under this section, the Supreme Court or a Judge thereof may, on summons, make such order as he or it thinks fit, either for the sale of the estate or interest which is subject to the charge or for the appointment of a receiver, or otherwise, and any order for sale shall be carried into effect by the Sheriff in the same manner as in the case of a writ of sale, with any modification that may be necessary or may be provided by rules of Court in that behalf: 15 20

Provided that, in the case of Maori freehold land within the meaning of the Maori Affairs Act 1953, the charge shall be enforceable only by the appointment of a receiver in accordance with section 33 of that Act, and subsections (3) to (5) of that section shall apply to any receiver so appointed. 25

Cf. 1948, No. 34, s. 5; 1956, No. 75, s. 3

53. Protection of persons acting under authority of Act— 30

(1) Except as otherwise expressly provided in any regulations under this Act, no action, claim, or demand whatsoever shall lie or be made or allowed by or in favour of any person against the Crown, or any Minister of the Crown, or any Electrical Supply Authority, or any officer or person, for or in respect of any damage, loss, injury, or expenses sustained or incurred, or alleged to have been sustained or incurred, by reason of anything done, continued, ordered, or directed, or purporting to be done, continued, ordered, or directed, in the exercise or intended exercise of any of the functions of the Minister or the Department, whether under the authority of this Act or of regulations thereunder and relating to any such functions as aforesaid. 35 40

(2) No person who is a consumer of electricity supplied or sold by the Minister shall have any claim against the Crown or the Minister in the event of the failure of the supply of any such electricity through accident, drought, or other unavoidable cause.

(3) No member of the Council shall be personally liable for any act or default done or made by the Council or by any member thereof in good faith in the course of the operations of the Council.

(4) The Council may from time to time enter into contracts of insurance of a type for the time being approved by the Minister insuring members of the Council, and persons appointed by the Council under section 47 of this Act, against loss from personal accident arising out of and in the course of the exercise of their powers or duties as such members or appointees, and may pay the premiums payable in respect of those contracts.

Cf. 1928, No. 21, s. 315; 1945, No. 36, s. 22A; 1949, No. 51, s. 12

54. Offences—(1) Every person who fails to comply with or acts in contravention of the provisions of subsection (1) of section 20, or subsection (1) of section 21, or subsection (1) of section 25, of this Act, or of any licence or consent issued or given under any of those subsections, commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars.

(2) Every Electrical Supply Authority which fails to comply with or acts in contravention of the provisions of subsection (1) of section 26 of this Act or of any consent given under that subsection commits an offence and is liable on summary conviction to a fine not exceeding two thousand dollars.

55. Regulations—(1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- (a) Prescribing the form of licences and consents under this Act and the fees payable in respect of any such licences and consents:
- (b) Providing for the application for, issue, amendment, and cancellation of consents under this Act:
- (c) Providing for the application for, issue, and renewal of licences under this Act:

- (d) Prescribing terms and conditions to which licences under this Act shall be subject:
- (e) Prescribing terms and conditions to which consents of the Minister under this Act shall be subject:
- (f) Regulating or controlling the use and management of any works or lines used for generating, transforming, converting, or conveying electricity (whether so used pursuant to a licence under this Act or not): 5
- (g) Providing for the removal of any line laid, erected, or used contrary to the provisions of this Act or regulations thereunder, or contrary to the provisions of any licence under this Act, and for the removal or alteration of any dangerous line, at the expense in all cases of the owner of the line. 10
- (h) Defining what may be deemed to be a dangerous line for the purposes of the regulations: 15
- (i) Securing the protection of persons and property from injury or damage caused through electricity, either directly or indirectly, by—
 - (i) Authorising, controlling, and prescribing conditions in respect of the construction, installation, maintenance, use, management, inspection, and testing of electric lines or works, and of instruments, materials, appliances, apparatus, accessories, and equipment used or intended to be used in the construction, installation, maintenance, or use of electric lines or works or in the application of electricity: 25
 - (ii) Authorising, controlling, and prescribing conditions and standards in respect of the manufacture, importation, sale, and use of materials, appliances, apparatus, accessories, devices, instruments, and equipment used or intended to be used in the application of electricity: 30
 - (iii) Regulating or prohibiting the manufacture, importation, sale, and use of such materials, appliances, apparatus, accessories, devices, instruments, and equipment as do not satisfy any prescribed tests or standards, or the use of which may be dangerous to persons or property, or which do not comply with the provisions of the regulations: 35 40

- 5 (iv) Authorising, controlling, restricting, pre-
scribing conditions in respect of, and, where neces-
sary, prohibiting, the construction, installation, use,
management, operation, maintenance, transporta-
tion, and movement of any structure, device, thing,
or substance, whether fixed or movable and whether
permanent or temporary, in the vicinity of any
electric line or work or where any electric line or
work may affect or be affected by the structure,
device, thing, or substance:
- 10 (j) Prescribing fees to be paid in connection with any
inspection or testing authorised by the regulations:
- (k) Regulating or controlling the supply of electricity:
- 15 (l) Prescribing offences in respect of the contravention of
or non-compliance with any regulations made under
this section, and the amount of the fine that may
be imposed in respect of any such offence, which
fine shall be an amount not exceeding two hundred
dollars and, where the offence is a continuing one,
20 a further amount not exceeding ten dollars for
every day or part of a day during which the offence
has continued:
- (m) Providing for such matters as are contemplated by or
necessary for giving full effect to the provisions of
this Act and for the due administration thereof.
- 25 (2) Any regulations made under this section may expressly
provide that the Crown shall be bound by all or any of the
provisions of the regulations, and any such express provision
shall have effect according to its tenor.
- 30 Cf. 1945, No. 36, s. 22

56. Repeals—The enactments specified in the Second Schedule to this Act are hereby repealed.

SCHEDULES

FIRST SCHEDULE

Section 4ENACTMENTS TO BE ADMINISTERED BY NEW ZEALAND ELECTRICITY
DEPARTMENT

- 1915, No. 65—The Lake Coleridge Water Power Act 1915.
 1925, No. 38—The Electric Power Boards Act 1925.
 1930, No. 42—The Electrical Supply Authorities Association Act 1930.
 1936, No. 25—The Southland Electric Power Supply Act 1936.
 1952, No. 73—The Electricians Act 1952.
 1958, No. 43—The Gas Industry Act 1958.
 1959, No. 46—The Electric Linemen Act 1959.
 1963, No. 23—The Manapouri - Te Anau Development Act 1963.
 1967, No. 160—The Electricity Distribution Commission Act 1967.

SECOND SCHEDULE

Section 56

ENACTMENTS REPEALED

- 1917, No. 22—The State Supply of Electrical Energy Act 1917. (1957 Reprint, Vol. 15, p. 85.)
 1921–22, No. 72—The Finance Act 1921–22: Section 8. (1957 Reprint, Vol. 15, p. 97.)
 1925, No. 51—The Finance Act 1925: Section 15. (1957 Reprint, Vol. 15, p. 98.)
 1926, No. 46—The Finance Act 1926: Section 26. (1957 Reprint, Vol. 15, p. 98.)
 1928, No. 21—The Public Works Act 1928: Sections 311 to 320, 322, 323, 324, 325, 326, 328. (1957 Reprint, Vol. 12, p. 475.)
 1943, No. 9—The Finance Act (No. 2) 1943: Section 19. (1957 Reprint, Vol. 15, p. 98.)
 1944, No. 25—The Statutes Amendment Act 1944: Sections 62 to 65. (1957 Reprint, Vol. 15, p. 100.)
 1945, No. 36—The Electricity Act 1945. (1957 Reprint, Vol. 4, p. 573.)
 1947, No. 45—The Finance Act (No. 2) 1947: Section 4. (1957 Reprint, Vol. 15, p. 100.)
 1948, No. 34—The Electricity Amendment Act 1948. (1957 Reprint, Vol. 4, p. 589.)
 1948, No. 35—The Finance Act 1948: Section 8. (1957 Reprint, Vol. 15, p. 101.)
 1948, No. 39—The Public Works Amendment Act 1948: Section 43. (1957 Reprint, Vol. 12, p. 724.)
 1949, No. 51—The Statutes Amendment Act 1949: Sections 11 and 12. (1957 Reprint, Vol. 4, p. 590.)
 1950, No. 91—The Statutes Amendment Act 1950: Section 34. (1957 Reprint, Vol. 15, p. 101.)
 1951, No. 79—The Fees and Travelling Allowances Act 1951: So much of the First Schedule as relates to the Rural Electrical Reticulation Council and so much of the Second Schedule as relates to the Electricity Act 1945.

SECOND SCHEDULE—*continued*

- 1952, No. 73—The Electricians Act 1952: Subsections (2) and (3) of section 38.
- 1954, No. 90—The Finance Act 1954: Section 15. (1957 Reprint, Vol. 15, p. 102.)
- 1956, No. 75—The Electricity Amendment Act 1956. (1957 Reprint, Vol. 4, p. 591.)
- 1956, No. 101—The State Supply of Electrical Energy Amendment Act 1956. (1957 Reprint, Vol. 15, p. 102.)
- 1957, No. 109—The State Supply of Electrical Energy Amendment Act 1957. (1957 Reprint, Vol. 15, p. 103.)
- 1958, No. 24—The State Supply of Electrical Energy Amendment Act 1958.
- 1958, No. 28—The Public Works Amendment Act 1958: Sections 5, 6, and 7.
- 1958, No. 31—The Electricity Amendment Act 1958.
- 1959, No. 63—The Electricity Amendment Act 1959.
- 1960, No. 16—The State Supply of Electrical Energy Amendment Act 1960.
- 1960, No. 105—The Public Works Amendment Act 1960: Section 23.
- 1961, No. 32—The Public Works Amendment Act 1961: Section 2.
- 1961, No. 80—The Electricity Amendment Act 1961.
- 1961, No. 102—The State Supply of Electrical Energy Amendment Act 1961.
- 1963, No. 46—The Public Revenues Amendment Act 1963: Sections 25 and 26.
- 1964, No. 86—The Electricity Amendment Act 1964.
- 1964, No. 112—The State Supply of Electrical Energy Amendment Act 1964.
- 1965, No. 58—The State Supply of Electrical Energy Amendment Act 1965.
- 1965, No. 82—The Electricity Amendment Act 1965.
- 1966, No. 103—The Electricity Amendment Act 1966.
- 1967, No. 113—The Public Works Amendment Act (No. 2) 1967.
- 1968, No. 00—The Electricity Amendment Act 1968.