

Serial Number 1948/55



THE ELECTRICITY CONTROL ORDER 1948

PURSUANT to the Supply Control Emergency Regulations 1939* and the Electricity Emergency Regulations 1939†, the Electricity Controller doth hereby order and direct as follows:—

PART I.—PRELIMINARY

1. (1) This Order may be cited as the Electricity Control Order 1948.

(2) This Order shall come into force on the seventh day following the day on which notification of the making thereof is published in the *Gazette*.

2. (1) The Orders specified in the Schedule to this Order are hereby revoked.

(2) All acts of authority that originated or were deemed to have originated under any of the Orders hereby revoked, and are subsisting or in force on the commencement of this Order, shall enure for the purposes of this Order as if they had originated under this Order, and accordingly shall, where necessary, be deemed to have so originated.

3. This Order shall have effect notwithstanding anything inconsistent therewith in any Act or regulation or in any contract.

4. In this Order, unless the context otherwise requires,—

“Chief executive officer” means the officer of the supply authority who, subject to the directions of the supply authority and of the Electricity Controller, is primarily responsible for the management and conduct of the supply authority’s electrical undertaking, and, during the absence of that officer from his headquarters, includes his deputy for the time being acting on his behalf:

“Electric radiator” includes any new or used electric space-heating appliance or equipment:

“Heating” includes cooking, baking, and water-heating; but does not include space-heating:

“Hospital” includes any institution, private hospital, or separate institution within the meaning of the Hospitals and Charitable Institutions Act, 1926; and also includes any Red Cross, Plunket, or first-aid rooms or other premises used by any organization for the purpose of giving medical or surgical advice or treatment:

* Statutory Regulations 1939, Serial number 1939/131, page 599.

† Statutory Regulations 1939, Serial number 1939/146, page 664.

- “Owner”, in relation to any electric radiator or radiator element, includes any person having the radiator or element in his possession or control or on order by him :
- “Price Tribunal” means the Price Tribunal constituted under the Control of Prices Act, 1947 :
- “Public supply of electricity” means any system of electric lines for the distribution of electricity which is connected, whether directly or indirectly, and whether continuously or not, with any Government system of supply :
- “Radiator element” means any new or used element capable of being used in any electric radiator :
- “Supply authority” means the licensee in respect of a public supply of electricity :
- “Thermal storage water-heating service” means any water-heating service in which the heated water is stored or remains in a container that has a capacity of more than 3 gallons :
- “Unit” means kilowatt hour :
- “Water-heating service” means any system of heating water by electricity.

PART II.—LOAD CONTROL

5. (1) Subject to all general or special directions given by the Electricity Controller, each supply authority shall from time to time limit, by such means as it thinks fit, its weekly consumption of electrical energy to an amount not exceeding the amount of units per week for the time being allocated to it by the Electricity Controller or, in the case of a supply authority that does not receive its bulk supply direct from a Government system of supply, by the supply authority from which it receives its supply of electricity :

Provided that in limiting its consumption as aforesaid the supply authority shall do such things as shall be necessary to ensure that sufficient electricity is supplied for hospitals, for cool stores and freezing-works, for coal-mines, for dairy factories, for railway signals and shunting-yards, and for farming purposes, not being electricity for domestic purposes only in dwellinghouses.

(2) If any supply authority fails, or is unable, or considers it will be unable by any other means to limit its weekly consumption of electrical energy to the extent referred to in subclause (1) of this clause, it shall refuse to supply electrical energy for use in thermal-storage water-heating services to which this subclause applies, or shall diminish the amount of electrical energy supplied for that use to such extent as may be necessary (when taken in conjunction with other savings in the use of electrical energy) to limit the weekly consumption of electrical energy to the extent referred to in subclause (1) of this clause.

(3) Subclause (2) of this clause shall apply with respect to every thermal-storage water-heating service except a service installed before the commencement of this Order and used, where no alternative to electricity is reasonably available to heat water for—

- (a) Farming or dairy-factory purposes, other than domestic purposes only in dwellinghouses ; or
- (b) Any industrial or commercial purpose ; or

- (c) The purposes of any hospital, or of the surgery of any medical practitioner, dentist, or veterinary surgeon; or
- (d) The purposes of any hotel, boardinghouse, lodginghouse, or apartment-house, or of any restaurant or eatinghouse.

6. No particular direction, prohibition, restriction, or limitation given or imposed anywhere in this Order with respect to the use of electricity for any specified purpose, or by means of any specified apparatus, appliance, or equipment, shall be construed to limit the powers of supply authorities to impose any further prohibition, restriction, or limitation (not inconsistent with this Order) on the use of electricity for that or any other purpose, or by means of that or any other specified apparatus, appliance, or equipment.

PART III.—PERMITS AND CONNECTIONS

7. (1) Subject to any special directions given by the Electricity Controller, and subject to compliance with all lawful requirements and conditions relating to the permit or installation, every supply authority shall issue a permit for every installation to which this clause applies, and when any such installation is duly completed shall connect the installation to its system of supply.

(2) This clause shall apply to every electrical installation of any of the following classes:—

- (a) Lighting, heating, or power installations that are essential for the construction of any school, any hospital, any factory, workshop, or industrial plant, or any new dwellinghouse:
- (b) Installations in any new dwellinghouse:
- (c) Lighting, heating, or power installations which, in the opinion of the supply authority, will directly and economically increase primary production.

8. Notwithstanding anything to the contrary in any other enactment, order, or direction, but subject to the provisions of clause 7 hereof and to any special directions given by the Electricity Controller, no supply authority shall connect to its system of supply any new electrical space-heating installation in any building or part thereof (other than a dwellinghouse), whether in existence on the coming into force of this Order or not, where there is already installed in that building or, as the case may be, in that part thereof, or where there is reasonably available for installation in that building or in that part, provision for space-heating by means other than electricity.

PART IV.—WATER-HEATING

9. (1) Subject to the exemptions provided for in clause 12 hereof,—

- (a) Every supply authority shall as soon as practicable give notice in accordance with Regulation 8 of the Supply Control Emergency Regulations 1939 to the owner of every water-heating service for the operation of which electricity is supplied by the supply authority and in respect of which the electricity so supplied is not measured by a meter specifying the intention of the supply authority to install, before the 31st day of March, 1949, in the premises in which

that water-heating service is situated, a meter for the measuring of the supply of electricity for that service; and every supply authority shall ensure that all such meters are installed and in operation by the said 31st day of March, 1949 :

- (b) Any supply authority may from time to time, in the case of a thermal-storage water-heating service, give notice as aforesaid requiring the owner thereof, before a date (being not earlier than twenty-one days after the giving of the notice) to be specified in the notice, to alter the service so that the supply of electricity therefor is controlled by a thermostat. In specifying a date under this paragraph the supply authority shall have regard to the availability to the owner to whom the notice is given of the necessary labour, materials, and equipment, and of the means of transportation of those materials and that equipment.

(2) Any notice under the last preceding subclause may be given by public notice or otherwise, and may be given to a specified owner, or to owners belonging to a specified class, or to owners of water-heating services installed in buildings in a specified area.

(3) Every notice under subclause (1) of this clause shall—

- (a) Where it is the intention of the supply authority to install a meter as aforesaid, require the owner to whom the notice is given to provide, before a date (being not earlier than fourteen days after the giving of the notice) to be specified in the notice, opportunity for the supply authority to install the meter :

- (b) Where the notice requires the owner to alter a thermal-storage water-heating service as aforesaid, specify the name and address of at least one registered electrical wireman who is available to carry out the necessary alteration, and a place where the necessary materials and equipment can be obtained by the owner or by the said registered electrical wireman.

(4) Where a supply authority gives notice under this clause of its intention to install a meter in any premises, and some person other than the owner to whom the notice is given is in actual occupation of the premises, that owner shall, immediately upon receipt of the notice, notify, in writing, the person in actual occupation that the supply authority intends to install the meter, and that that person is required, before the date specified in that behalf in the supply authority's notice, to provide opportunity for the supply authority to install the meter. It shall be the duty of the person in actual occupation, upon receipt of such a notification from the owner, to comply with that requirement before the date so specified.

(5) For the purposes of the last two preceding subclauses the owner or, as the case may be, the person in actual occupation of the premises shall be deemed to have provided opportunity as aforesaid when he has given to the supply authority seven days' notice of a sufficient period, between the hours of 8 a.m. and 5 p.m. on any day other than a Saturday, a Sunday, or a holiday, during which an officer of the supply authority may enter on the premises and install the meter.

(6) The cost of every meter installed by a supply authority under this clause, and the costs of installing the meter, shall be borne by the supply authority.

10. Subject to the exemptions provided for in clause 12 hereof, no person shall cause or permit any water-heating service to be connected with any public supply of electricity, whether the connection of that service is made for the first time or after the disconnection thereof for the purpose of repairing, renovating, or altering any part of the electrical equipment thereof, unless the electricity supplied in respect of the service—

- (a) Is measured by a meter; and
- (b) Is supplied under conditions requiring payment to be made therefor at such rate as may be prescribed, in accordance with clause 13 hereof, by the supply authority by which the supply is made; and
- (c) In the case of a thermal-storage water-heating service connected either for the first time or after the hot-water-storage container thereof has been dismantled, is controlled by a thermostat.

11. Where at any time after the commencement of this Order any thermostat is affixed to any water-heating service that serves a cow-shed, no person shall use or cause to be used electricity from any public supply of electricity to operate the water-heating service unless—

- (a) The thermostat is so adjusted that the supply of electricity is cut off at a temperature of not less than 206 degrees Fahrenheit and not more than 210 degrees Fahrenheit, and is renewed at a temperature of not less than 196 degrees Fahrenheit:

Provided that with respect to every such water-heating service that is situated not less than 500 ft. above sea-level the foregoing provisions of this paragraph shall apply as if each of the temperatures specified therein were reduced by 1 degree Fahrenheit for the first 500 ft. and by a further 1 degree Fahrenheit for each succeeding 500 ft. or fraction thereof by which the service is above sea-level; and

- (b) The thermostat has, after being adjusted as aforesaid, been sealed by a supply authority.

12. Where any thermal-storage water-heating service, whether installed before or after the commencement of this Order, is operated on conditions requiring that during a specified period not exceeding ten hours in each day the electricity supplied therefor is not measured by a meter, and that during the remaining hours of each day the electricity (if any) so supplied is measured by a meter and paid for at a unit rate, clauses 9 and 10 hereof, so far as they require, or empower or direct any supply authority to require, the electricity supplied for the service to be measured by a meter and to be paid for at a unit rate shall not apply with respect to any part of that specified period.

13. (1) Every supply authority, acting with the approval of the Price Tribunal, but not otherwise, shall, as soon as practicable after the commencement of this Order, prescribe rates to be charged for the supply by it of electricity for the operation of all water-heating services in its area of supply.

(2) With respect to water-heating services for which the supply of electricity is measured or required to be measured by meters, every rate so prescribed shall be either—

- (a) A unit rate, being a rate of not less than one farthing per unit and not more than the rate per unit charged by the supply authority on the date of the commencement of this Order in respect of electricity supplied by it for the purposes of cooking ; or
- (b) Such a unit rate, together with a periodical charge of a specified sum ; or
- (c) Such a unit rate, subject to a minimum charge in respect of a specified period.

(3) In prescribing under this clause any rate in respect of any water-heating service, the supply authority may impose such restrictions or conditions as it thinks fit as to the hours during which the service may be operated at that rate.

(4) Any rate prescribed under this clause may be general or may be limited to specified classes of water-heating services. Different rates may be prescribed in respect of electricity supplied for different classes of water-heating services, at different times, or in different circumstances.

(5) Every supply authority may from time to time in like manner amend any rate prescribed by it, and vary or revoke any restriction or condition imposed by it under this clause.

PART V.—SPACE-HEATING

14. (1) This clause shall apply to all premises of any of the following classes :—

- (a) Shops, offices, factories, warehouses, and other business premises :
- (b) Public and private hotels :
- (c) Halls, theatres, and other places of amusement :
- (d) Premises occupied by any of His Majesty's Naval, Military, or Air Forces, or by any other Armed Force that is for the time being lawfully present in New Zealand :
- (e) Premises occupied by any Government Department or office :
Provided that this clause shall not apply to any hospital.

(2) During the months of April, May, June, July, August, and September in any year no person shall, in any premises to which this clause applies, use or cause to be used any electric radiator at any time between 4 p.m. and 6 p.m. on any day of the week, except a Sunday.

PART VI.—ELECTRIC RADIATORS

15. No owner of any electric radiator or radiator-element shall sell or otherwise dispose of the radiator or element to any person unless at the time of the sale or other disposition the owner receives from that person a written permit granted in accordance with Regulation 6 of the Supply Control Emergency Regulations 1939, and with the provisions of this Part of this Order.

16. Every owner of any electric radiator or radiator-element who sells or otherwise disposes of the radiator or element shall—

- (a) At the time of the sale or other disposition, endorse or cause to be endorsed on the permit received by him pursuant to this Part of this Order a statement, signed by or on behalf

of the owner, to the effect that an electric radiator or, as the case may be, a radiator-element, has been sold or otherwise disposed of to the person named in the permit, and specifying the nature of the appliance or equipment so sold or disposed of and the date of the transaction; and

- (b) Forward the permit to the chief executive officer of the supply authority by whom the permit was granted, in accordance with such directions as that officer may from time to time give with respect to the forwarding to him of such permits.

17. (1) Every application for a permit under this Part of this Order shall be made to the chief executive officer of the supply authority in whose area of supply the electric radiator or radiator-element to which the application relates, is intended to be used.

(2) On any such application the chief executive officer shall grant a permit only if he is satisfied—

- (a) In the case of an application relating to an electric radiator, that the refusal of the application would, by reason of the sickness or infirmity of the applicant or of some member of his family, or of some other person on whose behalf the application is made, or by reason of other circumstances, cause substantial hardship to any such person:

- (b) In the case of an application relating to a radiator-element, that the element is required for the immediate replacement of an element actually used in an electric radiator, and that the element has become totally unfit for further use and cannot be effectively repaired.

(3) Every permit granted under this Part of this Order shall be signed by the officer granting it or by some person authorized by him in that behalf, and shall specify the name of the person to whom it is granted and the nature of the appliance or equipment authorized to be acquired.

18. This Part of this Order shall not apply with respect to the acquisition of any electric radiator or radiator-element for the purposes of any hospital.

19. For the purposes of this Part of this Order the following licensees shall in relation to the respective areas within which electricity is supplied by them be deemed to be supply authorities:—

The Otago Central, Teviot, and Wairere Electric-power Boards; the Picton, Westport, and Raetihi Borough Councils; the Kaikoura, Murchison, and Uawa County Councils; the Westport Coal Company, Limited; the Strongman Electric-supply Company, Limited; Leslie Howard Clark, of Whitianga, Electrician (trading as “the Clark Electrical Company”); William Alexander Russ and William Alfred Lambert Wilson, both of Whangamomona, Motor Engineers.

PART VII.—ENFORCEMENT

20. Every supply authority shall ensure that at all reasonable times its chief executive officer is readily available to receive and give effect to all directions given by the Electricity Controller to the supply authority or to such chief executive officer and all decisions of the supply authority made for the purposes of this Order.

21. The Electricity Controller hereby delegates to the chief executive officer of every supply authority such of the Controller's powers, privileges, rights, and functions as may be required to enable him to comply with, enforce, and give effect to the provisions of this Order and any directions given by the Controller and any decisions of the supply authority made for the purposes of this Order, including in particular—

- (a) The power of delegation :
- (b) The right of access to any premises :
- (c) The authority to disconnect any electric line or work :
- (d) The power to select, as between the installations of different consumers or groups or classes of consumers and as between installations or groups or classes of installations in different parts of the supply authority's area of supply, which of them shall be disconnected and in what order and for what periods.

22. (1) The Electricity Controller hereby requires each supply authority to appoint as many suitable officers as may be necessary to act under the authority of this Order and under the direction of the chief executive officer to ensure that the provisions of this Order and the decisions of the supply authority and the instructions of the chief executive officer made or given for the purposes of this Order are complied with.

(2) The Electricity Controller hereby delegates to every supply authority the power to execute for each authorized officer written evidence of his authority. Every such authorization shall be signed by the appointee as well as by the chief executive officer of the supply authority.

(3) Each supply authority shall make provision for the safe custody, and for the surrender when no longer necessary, of each authority issued by it.

23. Where for the purpose of complying with subclause (1) of clause 5 of this Order any supply authority decides to disconnect any thermal-storage water-heating service or services, or where, for the purpose of complying with subclause (2) of the said clause 5, it is necessary for the supply authority to disconnect any such service or services as aforesaid, the following provisions shall apply :—

- (a) It shall be lawful for the supply authority, until the disconnection of every such service as aforesaid is completed, to employ any person usually employed by it on electrical work in the disconnection of such services :
- (b) The chief executive officer of the supply authority may, on application made to him for the reconnection of any such service, authorize in writing such reconnection as aforesaid if he is satisfied that the refusal of the application would, by reason of the sickness or infirmity of the applicant or of some member of the applicant's family or of some other person on whose behalf the application is made, or by reason of other circumstances, cause substantial hardship to any such person.

24. (1) Where, for the purpose of limiting its consumption as required by subclause (1) of clause 5 of this Order, any supply authority decides to impose restrictions on the use of electricity by any specified

class of consumers, or for any specified purpose, or by means of any specified apparatus, appliance, or equipment, and any consumer fails to comply with any lawful requirement of the supply authority made in that behalf, it shall be lawful for the supply authority to disconnect from its system of supply the entire installation of that consumer.

(2) Before disconnecting the entire installation of any consumer as aforesaid, the supply authority shall give to the consumer at least seven clear days' notice in writing of its intention to do so.

25. Where, for the purpose of complying with any of the requirements of this Order or of exercising any of the powers conferred by this Order, any supply authority decides to disconnect, or prohibit, or restrict the use of any electrical installation or to install any meter on any premises, or where any provision of this Order or any lawful requirement of a supply authority has not been complied with by a consumer, or where a supply authority desires to ascertain whether any such lawful requirement or any obligation imposed by this Order has been duly complied with by a consumer, the chief executive officer of the supply authority may, subject to the provisions of clause 27 hereof, enter at all reasonable times upon any premises for any of the following purposes:—

- (a) To ascertain by the reading of the meters, or by inspection of the installation or premises, whether any thermal-storage water-heating service or any space-heating installation is installed therein, or has been or is being used at a time when that service or installation has been prohibited or restricted by the supply authority:
- (b) To disconnect, in the exercise of any powers conferred on him under or by virtue of this Order, any such thermal-storage water-heating service or space-heating or other installation from the supply authority's system of supply:

Provided that if the chief executive officer is unable to obtain sufficient access to the premises to enable him to disconnect any such service or installation, or to ascertain whether any lawful requirement of the supply authority or any obligation imposed by this Order has been complied with by the consumer, he may, in the exercise of any powers conferred on him under or by virtue of this Order, disconnect all electrical installations in the premises from the supply authority's system of supply.

26. (1) Any service or installation which has been disconnected under any of the powers conferred by this Order may, at the discretion of the supply authority concerned, be reconnected at any time:

Provided that nothing contained in this subclause shall be construed as limiting in any way the power of the chief executive officer of the supply authority to authorize the reconnection of any thermal-storage water-heating service under paragraph (b) of clause 23 of this Order.

(2) No fee shall be charged by any supply authority for the disconnection of any service or installation, nor, unless the service or installation was disconnected because of the failure of the consumer to comply with any of the provisions of this Order, or with any lawful requirement of a supply authority, shall any fee be charged for any reconnection.

27. Every person purporting to enter upon premises under the authority of this Order shall, if required so to do by the owner or occupier of the premises concerned or by any other responsible person, produce (before proceeding to exercise his authority) evidence of his identity and written evidence of his authority to act under this Order.

SCHEDULE
ORDERS REVOKED

Clause 2 (1).

Title.	Statutory Regulations Serial Number or <i>Gazette</i> Reference.
The Electric Water-heating Order 1943 . . .	1943/105.
The Electric Water - heating Order 1943, Amendment No. 1	1943/197.
The Electric Water - heating Order 1943, Amendment No. 2	1944/156.
The Electric Radiators Order 1943 . . .	<i>Gazette</i> , 1st July, 1943, Vol. II, page 733.
The Electric Radiators Order 1943, Amend- ment No. 1	<i>Gazette</i> , 29th July, 1943, Vol. II, page 915.
The Electricity Control Order 1945 . . .	1945/54.
The Electricity Control Order 1945, Amend- ment No. 1	1945/165.
The Electricity Control Order 1945, Amend- ment No. 2	1947/38.
The Electricity Control (South Island) Order 1947	1947/84.

Dated at Wellington, this 6th day of April, 1948.

A. E. DAVENPORT,
Electricity Controller.

Issued under the authority of the Regulations Act, 1936.
Date of notification in *Gazette*: 8th day of April, 1948.
These regulations are administered in the State Hydro-electric Department.