

Serial Number 1949/190

THE ELECTRICITY CONTROL REGULATIONS 1949

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington, this 21st day of
December 1949

Present :

THE HON. S. G. HOLLAND PRESIDING IN COUNCIL

PURSUANT to the Electricity Act, 1945, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS

1. These regulations may be cited as the Electricity Control Regulations 1949, and shall come into force on the 31st day of December, 1949.

2. (1) In these regulations, unless the context otherwise requires,—
“Department” means the State Hydro-electric Department established under the Electricity Act, 1945 :

“Electrical supply authority” means any person licensed under Part XIII of the Public Works Act, 1928, or otherwise authorized to generate or supply electrical energy, and, in respect of any supply of electricity undertaken by the Crown, includes the Crown :

“General Manager” means the General Manager of the Department, and includes any officer or person for the time being authorized to exercise or perform any of the General Manager’s powers or functions.

(2) In the Electricity Control Order 1948* the expression “electric line or work” has the same meaning as in section 319 of the Public Works Act, 1928.

3. The General Manager shall, subject to the provisions of these regulations, have all such powers, privileges, and rights as may to him appear necessary to enable him to carry out all or any of the functions of the Department specified in subsection (2) of section 3 of the Electricity Act, 1945.

4. (1) The Electricity Control Order 1948* and all other orders, directions, instructions, restrictions, requirements, allocations, notices, and generally all acts of authority which originated under or by virtue of the Electricity Emergency Regulations 1939† and were subsisting and in force immediately before the revocation of those regulations and which could have been made, given, imposed, issued, or done by or with the authority of the General Manager under or by virtue of these

* Statutory Regulations 1948, Serial number 1948/55, page 178.

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

Amendment No. 1 : Statutory Regulations 1945, Serial number 1945/99, page 222.

Amendment No. 2 : Statutory Regulations 1948, Serial number 1948/41, page 128.

regulations, shall enure for the purposes of these regulations as if they had originated under or by virtue of these regulations, and shall, where necessary, be deemed to have so originated.

(2) All references to the Electricity Controller in the Electricity Control Order 1948* or in any other order, direction, instruction, restriction, requirement, allocation, notice, or other act of authority as aforesaid shall hereafter be read as references to the General Manager.

5. (1) The General Manager shall have full authority to delegate from time to time, either generally or with respect to any specified area or any specified electrical supply authority or any specified class of activity, to any electrical supply authority or person such of his powers, privileges, rights, duties, responsibilities, and functions under these regulations as he thinks fit, including this power of delegation.

(2) Every electrical supply authority or person to whom any powers, privileges, rights, duties, responsibilities, or functions are delegated pursuant to this regulation may, without confirmation by the General Manager, exercise, perform, or discharge them in the same manner and with the same effect as the General Manager could himself have exercised, performed, or discharged them.

(3) Any delegation under this regulation may be made to a specified person or class of persons or to the holder or holders for the time being of a specified office or class of offices.

6. (1) Any notice, order, direction, or other instrument given or issued by the General Manager shall be sufficiently authenticated if it is signed by the General Manager or by any person on behalf of or by direction of the General Manager.

(2) Every instrument purporting to be signed by or on behalf of the General Manager shall, in the absence of proof to the contrary, be deemed to have been duly signed by or on behalf of or by direction of the General Manager.

7. (1) The General Manager and any electrical supply authority or person may give public notice of the exercise of any of the powers vested in him or it under or by virtue of these regulations or of any order, direction, instruction, restriction, requirement, allocation, or other act of authority lawfully given, made, imposed or done by him or it under or by virtue of these regulations, and all persons shall be bound thereby.

(2) For the purposes of these regulations the term "public notice" means a notice published in the *Gazette* or in a newspaper circulating in the locality in which the matter of the notice arises or to which it relates.

(3) The General Manager and any electrical supply authority or person may, without public notice, give notice to any person of any such order, direction, instruction, restriction, requirement, allocation, or other act of authority, and every person to whom the notice is given shall be bound thereby.

(4) Any notice required to be given to any person for the purpose of these regulations or of any order, direction, instruction, restriction, requirement, allocation, or other act of authority under or by virtue of these regulations may be given by causing it to be delivered to that person or to be left at his usual or last known place of abode or business or at the address specified in any application or other document received from him by the General Manager, electrical supply authority, or person, as the case may be, or to be posted in a letter addressed to him at that place of abode or business or at that address.

(5) If any such notice is sent to any person by registered letter, it shall be deemed to have been delivered when it would have been delivered in the ordinary course of post, and in proving the delivery it shall be sufficient to prove that the letter was properly addressed and posted.

(6) Every public notice or notice under or by virtue of these regulations shall take effect when it is published or given or at such later time as may be specified in that behalf in the notice.

(7) Any notice given under or by virtue of these regulations may be at any time varied or revoked by a subsequent notice.

8. (1) Every person who with intent to deceive makes any false or misleading statement or any material omission in any communication with or application to the General Manager or any electrical supply authority (whether in writing or otherwise) commits an offence against these regulations.

(2) Every person who without lawful excuse acts in contravention of or fails to comply in any respect with any provision of these regulations or any order, direction, instruction, restriction, requirement, allocation, condition, or other act of authority given, made, imposed, or done under or by virtue of these regulations, commits an offence against these regulations.

(3) Every person who obstructs any person in the exercise or attempted exercise of any right or power conferred under or by virtue of these regulations commits an offence against these regulations.

(4) Where any provision of these regulations or of any order, direction, instruction, restriction, requirement, allocation, notice, or other act of authority made, given, imposed, issued, or done under or by virtue of these regulations is contravened in the case of any electrical installation, then (without prejudice to any proceedings that may be taken against any other person) the consumer in relation to that installation shall be deemed to have committed an offence against these regulations :

Provided that in any proceedings that by virtue of this subclause are taken against any person in respect of a contravention of any such provision on the part of any other person, it shall be a defence for the defendant to prove that the contravention occurred without his knowledge or authority and that he exercised all due diligence to secure compliance with the provision.

(5) Every person who commits an offence against these regulations shall be liable on summary conviction to a fine not exceeding £5, but without prejudice to any other action that may lawfully be taken by or on behalf of the General Manager or any electrical supply authority.

T. J. SHERRARD,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 22nd day of December, 1949.

These regulations are administered in the State Hydro-electric Department.