



**THE GEOTHERMAL ENERGY REGULATIONS 1961,
AMENDMENT NO. 4**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 8th day of June 1987

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Geothermal Energy Act 1953 and the Ministry of Energy Act 1977, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Geothermal Energy Regulations 1961, Amendment No. 4, and shall be read together with and deemed part of the Geothermal Energy Regulations 1961* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 14th day after the date of their notification in the *Gazette*.

2. Entry by Inspector—(1) Regulation 3 of the principal regulations is hereby amended by inserting, after subclause (4A), the following subclauses:

*S.R. 1961/124

Amendment No. 1: S.R. 1975/97
Amendment No. 2: S.R. 1987/73
Amendment No. 3: S.R. 1987/99

“(4B) If an Inspector is unable to gain peaceable entry to any land, building, or place pursuant to subclause (3) of this regulation for the purpose of exercising the Inspector’s powers under subclause (4A) of this regulation, or is unable to peaceably exercise those powers, the Inspector may make an application in writing on oath to a District Court Judge who, if he or she has reasonable grounds for believing that the Inspector cannot peaceably gain such entry or peaceably exercise those powers, may issue a warrant directed to the Inspector by name authorising the Inspector, and any person accompanying the Inspector pursuant to subclause (3) (b) of this regulation, to use such force as may be reasonably necessary to gain such entry or to exercise those powers.

“(4C) Every warrant issued under subclause (4B) of this regulation shall contain—

“(a) A reference to this regulation; and

“(b) The full name of the Inspector to whom it is directed; and

“(c) A description of the land, building, or place in respect of which it was issued; and

“(d) The date on which it was issued and the date on which it expires.

“(4D) Every such warrant shall authorise the Inspector named in it, and any person accompanying the Inspector pursuant to subclause (3) (b) of this regulation, at any reasonable time or times within 28 days after the date on which it is issued, to use such force as may be reasonably necessary to—

“(a) Gain entry to the land, building, or place described in the warrant; and

“(b) Enable the exercise of the Inspector’s powers under subclause (4A) of this regulation on or in that land, building, or place.

“(4E) Every Inspector exercising any power under subclause (4D) of this regulation shall be in possession of the appropriate warrant, and evidence of identity, and shall produce them to the person in charge of the land, building, or place—

“(a) If practicable, on first entering the land, building, or place; and

“(b) Whenever subsequently reasonably required to do so by that person.”

(2) The said regulation 3 is hereby amended by omitting from subclause (6A) (as inserted by regulation 3 (3) of the Geothermal Energy Regulations 1961, Amendment No. 2) the word “Every”, and substituting the words “Except as provided by subclause (4E) of this regulation, every”.

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations provide that where a Geothermal Inspector is unable to gain peaceable entry for the purpose of exercising the powers conferred by regulation 3 (4A) of the principal regulations (including the power to close a bore), or is unable to peaceably exercise those powers, the Inspector may apply for a warrant to authorise the Inspector or any accompanying person to use such force as may be reasonably necessary to gain such entry or to exercise those powers.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 11 June 1987.

These regulations are administered in the Ministry of Energy.