

Serial Number **1954/205**

Reprint under section 7 of the Regulations Act 1936 of the Water Power Regulations 1934, Gazette 28 June 1934, Vol. II, page 2029, as amended by the following enactments:

The Water Power Regulations 1934, Amendment No. 1 (Serial number 1937/294).
The Water Power Regulations 1934, Amendment No. 2 (Serial number 1947/119).

THE WATER POWER REGULATIONS 1934 (REPRINT)

BLEDISLOE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 25th day of June 1934

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Public Works Act 1928, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS

PRELIMINARY

Short Title

1. (1) These regulations may be cited as the Water Power Regulations 1934.

Commencement

(2) These regulations shall come into force on the publication hereof in the *Gazette*.

Interpretation

(3) In these regulations and any licence issued hereunder, unless the context otherwise requires,—

“The said Act” means the Public Works Act 1928:

“Licensee” means any person who or body which is duly authorized either by the Governor-General in Council or by the Minister to use water for the purpose of generating or storing electricity or other power:

“Licence” includes permit or other grant:

“River” includes lake, fall, and stream, and in any licence means the lake, fall, river, or stream named or described in the licence:

“Works” means the whole or any part of the undertaking constructed under the authority of a licence:

“Maximum demand” or “maximum output” means twice the number of units generated and recorded in the half-hour during which the output is the maximum for the year:

“Minister” means [the Minister for the time being charged with the administration of the Electricity Act 1945] and includes any Minister of the Crown acting on his behalf:

“Water” means the stream of water by the licence authorized to be diverted from the river:

“Regulations” means and includes such of the provisions of these regulations [the Electrical Supply Regulations 1935, the Electrical Wiring Regulations 1935] and any other regulations made in amendment or amplification thereof or in substitution therefor respectively as may be appropriate to the circumstances.

Definitions of Regulations to Apply

(4) Subject to the last preceding clause hereof, terms used in these regulations or in any licence issued hereunder and defined in the said Act [the Electrical Supply Regulations 1935] or [the Electrical Wiring Regulations 1935] shall have the respective meanings assigned to them by the said Act and regulations respectively.

Application of Regulations

(5) These regulations apply only to use of water the sole right to use which for the purpose of generating or storing electricity or other power is vested in His Majesty.

The words in square brackets in the definition of “Minister” in clause (3) have been substituted for the words “the Minister of Public Works” in accordance with section 2 (5) of the Ministry of Works Act 1943 and section 6 (1) of the Electricity Act 1945.

The words “the Electrical Supply Regulations 1935” and “the Electrical Wiring Regulations 1935” have been substituted for the words “the Electrical Supply Regulations 1927” and “the Electrical Wiring Regulations 1927” in clauses (3) and (4), as the 1927 regulations have been superseded by the 1935 regulations.

APPLICATIONS FOR LICENCES

Application to be in Writing

2. (1) Any person desiring a licence to use water for the purpose of generating or storing electricity or other power or any other grant of rights in relation to water under the Public Works Act 1928 shall make application to [the Minister for the time being charged with the administration of the Electricity Act 1945] in writing in that behalf signed by the applicant.

Particulars

- (2) Such application shall include the following particulars:
- (i) In the case of an individual, the full name, full postal address, and occupation of the applicant:
 - (ii) In the case of an incorporated company or other corporate body, the full name of such corporate body, its registered office (if any), and otherwise the full postal address of its principal place of business together (in every case) with evidence to the satisfaction of the Minister of its due incorporation and a copy of its memorandum of association, articles of association, charter, or other constating documents:
 - (iii) In the case of several applicants, a statement as to whether the licence is sought by them as joint tenants or tenants in common, and if as tenants in common in what shares:
 - (iv) A lithograph or sketch plan to a suitable scale showing section and block numbers and boundaries of sections and blocks, name of survey district or other district, position of all proposed works, water races, pipelines, generating stations, and tailraces, and approximate boundaries and area of land (if any) proposed to be flooded:
 - (v) A statement of the quantity of water in cubic feet per second proposed to be taken and static head or difference in levels between the head work and the tail race:
 - (vi) A description of the electric system proposed to be adopted (if any)—*i.e.*, whether direct current or alternating current, and if the latter the number of phases and periodicity, and in either case the pressure of generation, transmission, and supply:
 - (vii) A statement of the extent of the electric power proposed to be developed in the initial installation and to be provided for in future extensions and the use intended to be made of it:
 - (viii) A plan, in triplicate, to a suitable scale, not less than 1 in. to the mile, showing the boundaries of the proposed area of supply (if any), the site of the power house and substations, the routes for the initial transmission lines (if any), indicating all roads, rivers, post and telegraph lines and other electric lines, and indicating the status and tenure of all Crown and other lands proposed to be traversed:
 - (ix) A statement of the period for which the licence is desired:
- [(x) In any case where the applicant desires to construct a dam or weir the document or documents communicating to him the result of the application which he is required to make in such a case to the Minister of Marine pursuant to the Fish Pass Regulations 1947.]

Further Particulars

(3) Before entertaining any application the Minister may require the applicant to furnish any further information which the Minister may deem relevant to the decision as to whether a licence should be granted on the terms and conditions of the licence.

The words in square brackets in clause (1) have been substituted for the words "the Minister of Public Works" in accordance with section 2 (5) of the Ministry of Works Act 1943 and section 6 (1) of the Electricity Act 1945.

Para. (x) of clause (2) was added by regulation 3 of the Water Power Regulations 1934, Amendment No. 2.

CHARGES ON SALE

Maximum Charges

3. (1) No licensee shall sell electrical energy generated under the authority of a licence for sums exceeding those set out hereunder:

- (a) In the case of a wholesale supply, a sum of £16 per kilovolt-ampere of maximum demand per annum plus a sum of $\frac{1}{2}$ d. per unit:
- (b) In the case of a supply for lighting purposes other than a wholesale supply, a sum of one shilling per unit reducible on payment within fourteen days of due date to 9d. per unit:
- (c) In the case of a supply for motor power, heating, cooking, or any purpose other than lighting purposes other than a wholesale supply, a sum of 6d. per unit reducible on payment within fourteen days of due date to $4\frac{1}{2}$ d. per unit.

Meter Rent

(2) In addition to such charges as aforesaid the licensee may make such charges for the rental of meters as may be authorized by regulations.

Minimum Charges

(3) Notwithstanding the foregoing provisions a licensee may in the case of any supply other than a wholesale supply make such minimum charge as may be authorized by regulations.

Intervals of Payments

(4) Payment shall not be demanded from any consumer on dates at intervals apart of less than twenty-one days.

Definitions

(5) For the purposes of this regulation—

"Wholesale supply" means a supply in respect of which the consumer contracts to pay a sum of £180 or more for any period not exceeding one year:

"Lighting purposes" includes the operation of motor generators for lighting purposes and the charging of batteries or accumulators used solely or principally for lighting purposes.

FEES

Authorizations

4. (1) Upon the issue of any licence by way of authorization under section 327 of the said Act there shall be payable a fee of 10s. 6d.

Other Licences

(2) Upon the issue of any licence under section 318 of the said Act, or any other licence enuring under these regulations, there shall be payable a fee of two guineas.

Amending Licences

(3) Upon the issue of any licence under the said section 318 taking effect as an amendment of a licence in respect of the same subject matter previously issued to the licensee or a predecessor in title of the licensee there shall be payable a fee of one guinea.

Prepayment

(4) Every such fee shall be payable by the applicant before the licence is issued.

OFFENCES AND PENALTIES

Unlawful Taking of Water

5. (1) Any person who without colour of right takes, uses, or applies water for the purpose of generating or storing electricity or mechanical power contrary to the provisions of these regulations commits a breach of these regulations.

Interference

(2) No person shall take, use, or apply water for the purpose of generating or storing electricity or other power or interfere with any river, stream, or lake save under the authority and in accordance with the conditions of a licence or other legal authorization in that behalf.

Penalty

(3) Every person who commits a breach of these regulations shall be liable to a fine not exceeding £50 for every day on which such breach is committed.

CONDITIONS OF LICENCES

6. In every licence to use water for the purpose of generating or storing electricity the following conditions shall be deemed to be implied except so far as the same may be expressly negatived or modified or inconsistent with the terms of the licence:

Annual Rental

(1) (A) In this clause and in clause (2) of this regulation, unless the context otherwise requires,—

“KVA.” means a kilovolt-ampere of maximum demand generated by the works authorized by the licence and measured at the main switchboard at the substation:

“Substation” means the main substation for distributing electrical energy generally within the licensee’s area of supply, and if there is no such substation means the licensee’s generating station.

(B) For the rights conferred by the licence the licensee shall pay to the Crown a rental or annual sum assessed in accordance with the following provisions:

(a) Except as provided in [paragraphs (b) and (c) of this subclause] and in clause (2) of this regulation, such rental shall be the sum of £1 per kVA. per annum:

(b) If, after excluding the rental but including all other charges necessary in the production of electricity at the main switchboard in the substation, the cost of each kVA. exceeds the sum of £5, then, subject to clause (2) of this regulation, the rental provided for in paragraph (a) hereof shall be reduced by the amount by which such cost exceeds the sum of £5:

[(c) In the case of a private installation for which a permit could be issued under section 327 of the Public Works Act 1928, whether in fact such a permit has been issued or not, and which is of a maximum rated capacity not exceeding 18 kilowatts, and in respect of which the licensee elects to have his rental assessed under this paragraph, such rental shall be a sum per kilowatt of maximum rated capacity to be from time to time fixed by the Minister not exceeding one pound per kilowatt.]

(C) If the licensee applies to have the rental for any year assessed otherwise than at the rate of £1 per kVA. per annum he shall supply with his application a duly audited balance sheet showing:

(a) The capital cost of such of the works as are used for producing electricity at the main switchboard in the substation;

(b) The charges on such capital cost;

(c) The working costs; and

(d) The estimated value or amount of benefit and the nature thereof and the actual revenue derived from the undertaking, and shall also supply any other relevant details necessary to enable the Minister to decide what rental is properly payable.

Minimum Rental

[(2) (a) Notwithstanding anything in the last preceding clause, the rental shall be:

(i) In the case of an installation the rental of which is assessed under paragraph (c) of subclause (B) of the last preceding clause, not less than 5s. per annum:

- (ii) In any other case, not less than 2s. 6d. per kVA.:
 - (iii) In the case of an installation of any class described in paragraph (b) hereof, not less than 5s. per annum:
 - (iv) In any other case, not less than £10 per annum.]
- (b) The classes referred to in paragraph (a) hereof are:
- (i) Private installations for which a permit could be issued under section 327 of the Public Works Act 1928, whether in fact authorized under that section or not:
 - (ii) Installations used solely for the purpose of supplying electrical energy for use in any institution which in the opinion of the Minister is not operated for profit:
 - (iii) Other installations of maximum rated capacity not exceeding 20 kilowatts which in the opinion of the Minister are not operated for profit.

Rental Period

(3) Every rental or annual sum payable under the licence shall be payable for the financial year ending on the 31st day of March in every calendar year subject in the case of the first payment to apportionment from the date of the grant of the licence to the next following 31st day of March, and in the case of the last payment to apportionment from the last preceding 31st day of March to the termination of the licence:

Provided that the foregoing provisions for apportionment shall not apply to a minimum rental.

Payment of Rental

(4) Every annual sum or rental payable under the licence shall fall due and be paid on the 14th day of April in every year following the period for which the same is payable and shall be recoverable as a debt due to the Crown and may be paid by lodging the same to the credit of the Public Account at any branch of the bank where for the time being the Public Account is kept, or by paying the same, unless the Minister by notice in writing to the licensee otherwise directs, to the [State Hydro-electric Department] Engineer at the place stated in the licence, or otherwise as the Minister may by notice in writing to the licensee direct.

Use and Return of Water

(5) The water the right to use which is granted by the licence shall be used solely for the purpose specified in the licence and thereafter be returned to the river at a point which in the opinion of the [General Manager] is as close as is reasonably possible to the works in which the water is utilized.

Limitations on Use of Water and Electricity

(6) Except so far as may be expressly set out in the licence, the licence shall not be deemed to authorize the use of water to generate electrical energy for consumption by any person other than the licensee or consumption on any premises other than premises occupied by the licensee.

Submission of Plans

(7) Before commencing any of the works authorized by the licence the licensee shall submit for the Minister's approval—

- (a) Full detailed drawings and specifications of any proposed diverting weir:

- (b) Drawings showing into what courses and in what manner the water is to be diverted:
- (c) Contour plans showing water levels prior to the inception of the works and water levels expected to exist upon any land affected after completion of the works:
- (d) Drawings giving full particulars of any tunnels, aqueducts, and pipelines proposed to be used in conveying water from the headworks to the power station:
- (e) Drawings showing the proposed arrangement of the generating, switching, and transforming plant in the power station.

Amendment of Plans

(8) Before approving the plans the Minister may require such further plans, drawings, specifications, or details as in his discretion he thinks necessary, or may require such alterations as he thinks necessary to be made in any plan, drawing, or specification of proposed works.

Approval of Plans

(9) On the approval by the Minister of the plans, drawings, and specifications aforesaid, whether as first submitted or as altered in compliance with the Minister's requirements, such plans, drawings, and specifications shall be forwarded to the licensee with a signification of the Minister's approval thereof.

Plans of Alterations

(10) If after approval of plans, drawings, and specifications as aforesaid, and either before or after the construction of the works therein described, the licensee desires to construct works that are in addition to or in modification of or in any respect not in accordance with the approved plans, drawings, and specifications aforesaid the licensee may submit fresh or amended plans, drawings, or specifications to the Minister, and the provisions of the clauses numbered 8 and 9 hereof shall apply.

Construction to Plans

(11) The licensee shall not construct any works for the use of the water referred to in the licence or any works for the generation or storage of electricity by the use of such water otherwise than in accordance with plans, drawings, and specifications approved by the Minister as aforesaid.

Completion of Works

(12) The licensee shall substantially complete the several works referred to in the licence within the time or times specified in that behalf in the licence, or, if no time be so specified, then within one year from the date of the grant of the licence:

Provided that the Minister may on the application of the licensee and whether before or after any date for completion specified or implied in the licence substitute any later date for completion if in the Minister's opinion the work has been delayed by strikes, lockouts, or combinations of workmen, by proceedings taken by third parties, by fire, flood, tempest, failure of soil, or breakdown of plant or works, or by any other cause not within the control of the licensee.

Standard of Construction

(13) The licensee shall construct all works authorized by or pursuant to the licence so that the same shall in respect of design, material, and workmanship conform to the standards and requirements of the regulations.

Maintenance

(14) The licensee shall at all times maintain all works for the time being in use so as to be in good and proper working order in accordance with the requirements of the regulations, and at all times maintain all works erected by the licensee pursuant to the licence, whether in use or not, in such good and safe condition as in the opinion of the Minister to be unlikely to cause any danger to life or property, and if by notice in writing to the licensee the Minister shall so require shall at all times after the giving of such notice, use and maintain all works authorized by the licence, so as to secure the full benefit of the water the use of which is granted by the licence so far as such water may in fact be available.

Inspection

(15) It shall be lawful for any person acting as an Inspecting Engineer of the [State Hydro-electric Department] at all times after the grant of the licence whether during or after the construction of any works to enter upon and inspect such works for the purpose of ascertaining whether these conditions and the regulations are complied with, and for that purpose to require that any motive machinery be set in motion and to take specimens of material, make tests and measurements, and do all other things reasonably necessary or convenient for the purposes of such inspection, and the licensee will at all times comply with the reasonable requirements of any such person in the premises.

Removal of Works

(16) Upon the determination of the licence, the licensee shall thereupon, if so required by notice in writing by the Minister, remove from the ground all buildings, poles, and other erections, and all transmission lines, plant, and machinery and other removable equipment authorized by the licence to be erected, installed, or provided, and if within twelve months after being so required the licensee fails or neglects to remove the same then the same shall without payment of any compensation vest in and become the property of the Crown, and it shall be lawful for any person authorized by the Minister in that behalf to enter upon any land or premises and take possession of and remove the same or any part thereof.

Option to Purchase

(17) (a) Subject to the provisions of the Electric Power Boards Act 1925, and provided the licensee shall have legal power so to do, the licensee will if so required sell either to His Majesty the King or to an Electric Power Board the licence together with the whole or (at the option of the purchaser) any severable part of the business and undertaking of the licensee so far as it relates to or is connected with the exercise of the licence, and together with all real and personal property and all rights vested in the licensee and used or engaged in connection with the business or undertaking so to be purchased (all hereinafter in this clause referred to as "the undertaking").

(b) The option hereby conferred shall if exercised by His Majesty the King relate to the whole of the undertaking, and if exercised by an Electric Power Board shall relate to so much of the undertaking as is situate within the electric power district or outer area of such Electric Power Board.

(c) The said option may be exercised at any time during the currency of the licence by notice in writing to the licensee signed by the Minister or executed under the common seal of the Electric Power Board as the case may be.

(d) The price to be paid upon the purchase shall be such as may be agreed upon between the licensee and the purchaser, or, failing agreement, shall be determined by the arbitration of one arbitrator if the parties can agree upon one, otherwise of three arbitrators, or any two of them, one arbitrator being appointed by the licensee, another by the purchaser, and the third arbitrator by the other two arbitrators.

(e) The said valuation shall not include any sum in respect of the value of the goodwill of the undertaking or in respect of the value of the licence for the unexpired period thereof.

(f) The date of giving and taking possession and delivery of the undertaking or so much of the undertaking as is comprised in the purchase shall be such as may be agreed upon between the licensee and the purchaser, or, failing agreement, shall be fixed by arbitration as aforesaid.

(g) On the completion of the purchase the purchaser shall be deemed to be the assignee of the licence, and all the rights vested in the licensee shall vest in the purchaser during the remainder of the term of the licence.

(h) In any case to which subsection (6) of section 318 of the Public Works Act 1928 applies, the provisions of this clause shall be read subject to the provisions of that subsection.

Telegraph Lines

(18) The licensee shall forthwith at his own expense whenever called upon by the [Minister of Railways] or the Minister of Telegraphs so to do rectify or discontinue to the satisfaction of such . . . Minister any character, part, or matter of the installation of the licensee that causes interference with or disturbance to the satisfactory working of any telegraph line the property of His Majesty the King, and maintained or used by such . . . Minister . . . , and erected prior to the erection of the installation of the licensee or the erection of such part thereof as causes the interference or disturbance aforesaid.

Requirements of Local Authority

(19) Nothing in the licence expressly or by implication contained shall be deemed to authorize the licensee to erect, construct, or maintain any works except subject to such conditions (not inconsistent with the regulations) as may from time to time be lawfully imposed by any Borough Council, County Council, Town Board, or other local authority within the district of which such work may be situate.

Interchange of Supply with Crown

(20) (a) The licensee will whenever called upon by the Minister so to do connect the works of the licensee at a point of supply indicated in the licence, and, if no point of supply be so indicated, at a convenient point to be fixed by the Minister, with any electrical supply undertaking maintained by the Minister on the three-phase alternating current system at a frequency of fifty cycles per second.

(b) The connection shall be so effected that an interchange of electrical energy between the two undertakings may be made from time to time up to at least one-half of the total generating capacity of the works of the licensee.

(c) At any time during the currency of the licence after such connection is effected, and for such period as the party seeking the supply may require, the licensee and the Minister respectively will when required by notice in writing by the other of them supply to the party seeking the supply as much electrical energy as may be so required, but not exceeding the amount of electrical energy capable of being generated by the respective undertaking at the time of notice not already being consumed or the subject of an existing contract of disposal, and not exceeding in any case one-half of the total generating capacity of the works of the licensee.

(d) The Minister shall erect and maintain in good order free of charge to the licensee all transmission lines up to the point of supply of the licensee that may be necessary for effecting such supply of electrical energy as aforesaid.

(e) The price to be paid by the party seeking the supply to the other of them shall be such as may be agreed upon, and, failing such agreement, a rate of $\frac{1}{2}$ d. per unit, the unit of measurement being either a kilowatt-hour or a kilovolt-ampere-hour at the option (to be exercised by the notice requiring the supply) of the party liable for payment, and the cost of installation and maintenance of all proper measuring instruments being borne by the Minister.

Assignment

(21) The licensee shall not assign, sublet, delegate, or part with the licence or the benefits thereof or the rights or powers thereby conferred or any of them without the previous consent in writing of the Governor-General in Council or the Minister (according to which of them granted the licence):

Provided that if the consent required be that of the Minister it shall not be arbitrarily withheld if it is proved to the satisfaction of the Minister that the person to whom it is proposed to assign, sublet, delegate, or part with the licence or the benefits thereof or any of the rights or powers thereby conferred is financially and otherwise able and suitable to carry out the obligations of the licence:

Provided also that such consent may be subject to such terms and conditions as the authority giving the consent thinks fit to impose.

Surrender

(22) If the parties so agree it shall be lawful at any time for the licensee to surrender the licence and for the Governor-General in Council, or the Minister (according to which of them granted the licence), to accept such surrender subject to such terms and conditions as may be agreed upon.

Contractual Liability

(23) (a) Without prejudice to the operation of the provisions expressly or by implication contained in the licence as conditions upon and subject to which the licence is granted the licensee shall be deemed to covenant with His Majesty the King that the licensee will at all times during the continuance of the licence observe, perform, and comply with all the provisions expressly or by implication contained in the licence and with all regulations applicable to the circumstances.

(b) In the case of a licence granted to an individual such covenant shall be deemed to be entered into by the licensee so as to bind himself, his executors, administrators, and assigns; in the case of a licence granted to two or more persons as tenants in common, so as to bind jointly and severally them and each of them, their and each of their executors, administrators, and assigns; in the case of a licence granted to a corporate body so as to bind such body, its successors and assigns.

(c) The determination of the licence, whether on the expiration of the term or by surrender or revocation or otherwise, shall not affect any liability accrued prior to such determination.

Crown Not Liable for Compensation

(24) Neither the granting of the licence nor anything in the licence expressly or by implication contained shall impose on His Majesty the King or upon the Government of New Zealand any liability to pay compensation or damages to any person or local authority by reason of the exercise by the licensee of the powers conferred by the licence.

Licensee to be Liable

(25) Neither the granting of the licence nor anything in the licence expressly or by implication contained shall affect or prejudice any liability imposed by law on the licensee to pay compensation or damages to any person arising by reason of the exercise by the licensee of the powers conferred by the licence.

No Warranty as to Volume of Water

(26) Neither the granting of the licence nor anything in the licence expressly or by implication contained shall raise any undertaking, representation, or warranty on the part of His Majesty the King, the authority granting the licence, or the Government of New Zealand that the river referred to therein contains at any time sufficient water for the purposes for which the water is granted.

Bed of River Not Leased

(27) Neither the granting of the licence nor anything in the licence expressly or by implication contained shall be deemed to create a lease from His Majesty the King of the bed of any river or other land.

Prior Rights

(28) The rights granted by the licence shall be subject to all existing rights theretofore granted and validly held and enjoyed whether under the Public Works Act 1928, the Mining Act 1926, or any other statute or otherwise.

Default

(29) If at any time during the continuance of the licence the licensee fails or neglects to observe, perform, and comply with any of the provisions in the licence expressly or by implication contained, or otherwise makes default in complying with the terms of the licence, then—

- (a) In any case to which section 326 of the Public Works Act 1928 applies, the powers conferred by that section shall be exercisable:
- (b) In any case to which section 326 of the Public Works Act 1928 does not apply, the Governor-General in Council or the Minister (according to which of them granted the licence) may forthwith by notice in writing to the licensee revoke and determine the licence:
- (c) In any case to which subsection (12) of section 318 of the Public Works Act 1928 applies, there shall be imposed on the licensee a fine of £10 for every secular week or part of a week during which such failure, neglect, or other default on the part of the licensee continues:
- (d) The imposition of a fine under the last preceding paragraph (c) of this clause shall not prejudice the exercise of the powers set out in the preceding paragraphs (a) and (b) of this clause.

Partial Revocation

(30) If in the opinion of the Governor-General or the Minister (according to which of them granted the licence) the works proposed to be erected by the licensee will not serve, or any works that have been completed by the licensee do not serve, to utilize the whole of the water granted by the licence then the Governor-General or the Minister, as the case may be, may by Order in Council or other notice given to the licensee revoke the licence so far as the same relates to the excess of water and amend the licence so as to relate only to so much water as in the opinion of the Governor-General or the Minister respectively will be or is utilized by the works of the licensee:

Provided that in any such case the licensee may by notice given to the Minister within fourteen days after receiving the Order in Council or notice so amending the licence elect to surrender the licence, and upon receipt by the Minister of such notice of election the licence shall be deemed to be surrendered.

Notices

(31) (a) Any notice to be given to the licensee shall be sufficient if served personally on the licensee or (in the case of the licensee being a corporate body) delivered at the registered office or usual place of business of the licensee to a person appearing to have for the time being the control of such office, or sent by registered post letter addressed to the licensee at the postal address set out in the application for a licence or any subsequent address notified by the licensee to the Minister for the purpose of this clause, and if so served shall be sufficient notwithstanding the death or incapacity of the licensee and notwithstanding that no legal personal representative of the licensee may have been appointed, and service on any one of several licensees shall be good service on all of them.

(b) Any notice to be given on the part of the Minister shall be sufficient if given in writing signed by the Minister or by any person purporting to act on behalf of or under the authority of the Minister.

(c) Any notice to be given to the Minister shall be sufficient if given in writing delivered to or sent by registered post letter addressed to the Minister at the office in Wellington of [the Minister for the time being charged with the administration of the Electricity Act 1945].

(d) Any notice sent by registered post letter shall be deemed to be served at the time when it would be delivered at its destination in the ordinary course of registered post.

The words in square brackets in clause (1) (B) (a) were substituted for the words "paragraph (b) of this subclause" by regulation 3 of the Water Power Regulations 1934, Amendment No. 1.

Para. (c) of clause (1) (B) was added by regulation 4 of the Water Power Regulations 1934, Amendment No. 1.

Para. (a) of clause (2) was substituted for the original para. (a) by regulation 5 of the Water Power Regulations 1934, Amendment No. 1.

The words "State Hydro-electric Department" have been substituted for the words "Public Works" and "Public Works Department" in clauses (4) and (15) so as to give effect to the Electricity Act 1945.

The words "General Manager" were substituted for the words "Chief Electrical Engineer" in clause (5) by section 6 (3) of the Electricity Act 1945.

In clause (18) the words "Minister of Railways" were substituted for the words "Government Railways Board" by section 2 (2) of the Government Railways Amendment Act 1936; and the word "respectively" has been omitted after the word "Minister", and the words "Board or" have been omitted wherever they occur, to bring the clause into conformity with such substitution.

The words in square brackets in clause (31) have been substituted for the words "the Minister of Public Works" in accordance with section 2 (5) of the Ministry of Works Act 1943 and section 6 (1) of the Electricity Act 1945.

F. D. THOMSON,
Clerk of the Executive Council.

*Certified for the purposes of section 7 of the Regulations Act 1936,
this 29th day of October 1954.*

T. CLIFTON WEBB,
Attorney-General.

Issued under the authority of the Regulations Act 1936. Date of publication of principal regulations in *Gazette*: 28 June 1934. These regulations are administered in the State Hydro-electric Department.