

**Reprint
as at 2 July 2012**



**Commerce (Control of Natural Gas
Services) Order 2005**

(SR 2005/213)

Commerce (Control of Natural Gas Services) Order 2005: expired, on 2 July 2012, by clause 3.

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 25th day of July 2005

Present:

The Hon Dr Michael Cullen presiding in Council

Pursuant to section 53 of the Commerce Act 1986, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and on the recommendation of the Minister of Energy, who is satisfied that the services described in this order may be controlled under section 52 of the Commerce Act 1986, makes the following order.

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This order is administered by the Ministry of Economic Development.

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Order

- 1 Title**
This order is the Commerce (Control of Natural Gas Services) Order 2005.
- 2 Commencement**
This order comes into force on the 28th day after the date of its notification in the *Gazette*.
- 3 Expiry**
This order expires on the close of 1 July 2012.
Clause 3: amended, on 14 October 2008, by section 33 of the Commerce Amendment Act 2008 (2008 No 70).
- 4 Interpretation**
- (1) In this order, unless the context otherwise requires,—
- distribution system** means all fittings, whether above or below ground, under the control of a gas distributor and used to distribute gas from—
- (a) the boundary of the gasworks or gate station outlet flange supplying gas for distribution; or
- (b) the outlet of the container in which gas for distribution is stored—
- to the outlet of the gas measurement system of the place at which the gas is supplied to a consumer or gas refueller (or, where no such gas measurement system is provided, to the

custody transfer point of the place at which the gas is supplied to a consumer or gas refueller)

fittings means everything used, or designed or intended for use, in or in connection with the supply, distribution, compression, or use of natural gas

gas measurement system means a system for measuring the quantity of any gas or the energy content of any gas, whether by actual measurement or by estimation; and includes any equipment that forms part of, or is ancillary to, any such system

line function services means—

- (a) the provision and maintenance of pipelines for the conveyance of natural gas:
- (b) the operation of such pipelines, including the assumption of responsibility for losses of natural gas

metering services means, in relation to natural gas, the provision of metering services in respect of gas measurement systems.

NGC means NGC Holdings Limited and includes any subsidiary of that company

NGC Whangaparaoa distribution system means the distribution system in Whangaparaoa that is owned by NGC and that begins at the Waitoki Gate Station outlet flange and that connects to the Vector Limited distribution system at the outlet flange of the gas measurement station located at 1 Wainui Road, NZMG coordinate 2660675 mE, 6508075 mN.

- (2) To avoid doubt, Vector Limited is not treated as owning any distribution system or gas measurement system that is or was owned by NGC solely because Vector Limited is an interconnected body corporate of NGC.

Clause 4 **NGC**: inserted, on 25 August 2005, by clause 3(1) of the Commerce (Control of Natural Gas Services) Amendment Order 2005 (SR 2005/247).

Clause 4 **NGC Whangaparaoa distribution system**: inserted, on 25 August 2005, by clause 3(1) of the Commerce (Control of Natural Gas Services) Amendment Order 2005 (SR 2005/247).

Clause 4(2): added, on 25 August 2005, by clause 3(2) of the Commerce (Control of Natural Gas Services) Amendment Order 2005 (SR 2005/247).

5 Control of certain services

The services described in the Schedule are controlled in accordance with the Commerce Act 1986.

**Schedule
Controlled services**

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Controlled line function services

- 1 Line function services provided by means of—
- (a) any distribution system owned by Vector Limited on 1 July 2003; or
 - (b) any distribution system (other than the NGC Whangaparaoa distribution system) or fitting that, after 1 July 2003, is added or connected to a distribution system described in paragraph (a).

Schedule clause 1(b): substituted, on 25 August 2005, by clause 4(1) of the Commerce (Control of Natural Gas Services) Amendment Order 2005 (SR 2005/247).

- 2 Line function services provided by means of—
- (a) any distribution system owned by Powerco Limited on 1 July 2003; or
 - (b) any distribution system or fitting that, after 1 July 2003, is added or connected to a distribution system described in paragraph (a).

Controlled metering services

- 3 Metering services provided in respect of any gas measurement system if—
- (a) the gas measurement system forms part of a distribution system that is described in clause 1 or clause 2; and
 - (b) the owner of the distribution system described in clause 1 or clause 2 also owns the gas measurement system.

Schedule clause 3: substituted, on 25 August 2005, by clause 4(2) of the Commerce (Control of Natural Gas Services) Amendment Order 2005 (SR 2005/247).

- 4 *[Revoked]*

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**Commerce (Control of Natural Gas
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Schedule clause 4: revoked, on 25 August 2005, by clause 4(2) of the
Commerce (Control of Natural Gas Services) Amendment Order 2005
(SR 2005/247).

Diane Morcom,
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 28 July 2005.

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Notes**1 General**

This is a reprint of the Commerce (Control of Natural Gas Services) Order 2005. The reprint incorporates all the amendments to the order as at 2 July 2012, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that have yet to come into force or that contain relevant transitional or savings provisions are also included, after the principal enactment, in chronological order.

2 Status of reprints

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, *see*

<http://www.pco.parliament.govt.nz/legislation/reprints.shtml>
or Part 8 of the *Tables of Acts and Ordinances and Statutory Regulations, and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)
- position of the date of assent (it now appears on the front page of each Act)

- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Commerce Amendment Act 2008 (2008 No 70): section 33

Commerce (Control of Natural Gas Services) Amendment Order 2005
(SR 2005/247)

Commerce (Control of Natural Gas Services) Order 2005 (SR 2005/213):
clause 3
