



## ANALYSIS

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1983, No. 123

## An Act to amend the Electricity Act 1968

[16 December 1983]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

**1. Short Title**—This Act may be cited as the Electricity Amendment Act 1983, and shall be read together with and deemed part of the Electricity Act 1968 (hereinafter referred to as the principal Act).

**2. Interpretation**—(1) Section 2 of the principal Act is hereby amended by repealing the definition of the expression “electricity agreement” (as amended by section 8 (2) of the Electricity Amendment Act 1976), and substituting the following definition:

“ ‘Electricity agreement’ means an agreement in writing made either before or after the commencement of this Act between an Electrical Supply Authority and the owner, lessee, or licensee of any land whereby the owner, lessee, or licensee undertakes—

“(a) To make minimum payments to the Electrical Supply Authority in respect of electricity supplied for any building or installation on the land, irrespective of the quantity of electricity so supplied; or

“(b) To pay for or contribute toward the provision of the means of supply of electricity for any such building or installation,—

and includes any agreement which varies or is in substitution for any such agreement.”.

(2) The Electricity Amendment Act 1976 is hereby consequentially amended by repealing section 8 (2).

**3. Exercise of powers of entry**—(1) Section 7A (2) of the principal Act (as inserted by section 4 of the Electricity Amendment Act 1974) is hereby amended by adding to the definition of the expression “dwellinghouse” the words “; but does not include an electrical metering box located on the exterior of the building or the part of the building”.

(2) Section 7A of the principal Act (as so inserted) is hereby further amended by repealing subsection (4), and substituting the following subsections:

“(4) The Secretary or any responsible officer or employee of any Electrical Supply Authority may, alone or together with any other person he thinks competent to assist him, enter any land or premises (including a dwellinghouse) for the purposes of—

“(a) Protecting persons or property from electrical hazard:

“(b) Inspecting or testing or maintaining or removing supply equipment, electrical installations, electrical wiring, or electrical apparatus:

“(c) Ascertaining the quantity of electricity supplied or used:

“(d) Connecting or disconnecting the supply of electricity:

“(e) Ensuring the continuity or safety of transmission and distribution of electricity.

“(5) The power to enter any land or premises under this section shall be subject to section 15A of this Act.”

**4. Conditions relating to power to enter land or premises**—The principal Act is hereby amended by inserting, after section 15, the following section:

“15A. Notwithstanding any other provision of this Act, any provision in this Act or in any regulations made under this Act giving any person the power to enter any land or premises without the consent of the owner or occupier shall be subject to the following conditions—

“(a) Entry to the land or premises shall only be made by the person specified in the relevant provision or any other person authorised by him in writing, either specifically or as a member of a class so authorised by him:

“(b) Reasonable notice of the intention to enter shall be given unless the giving of the notice would defeat the purpose of the entry:

“(c) Entry shall be made at reasonable times:

“(d) The person entering shall carry a warrant of authority or be working under the immediate control of a person holding such authority which shall be produced on initial entry and, if requested, at any subsequent time:

“(e) Entry into a dwellinghouse (as defined in section 7A (2) of this Act) shall be authorised by a warrant from a judicial officer by written application on oath:

“Provided that these conditions shall not apply where the entry is necessary in circumstances of probable danger to life or property or where entry is necessary to maintain the continuity or safety of the supply and distribution of electricity:

“Provided also that nothing in this section shall restrict the rights of access in order to obtain the consent to enter the land or premises for the authorised purposes in respect of which the entry is required.”

**5. Supply of electricity to consumers outside licence area**—The principal Act is hereby amended by inserting, after section 20A (as inserted by section 3 of the Electricity Amendment Act 1982), the following section:

“20B. (1) Notwithstanding anything in sections 20 and 20A of this Act, but subject to this section, an Electrical Supply Authority may supply electricity to a consumer or group of consumers outside the area specified in its licence under section 20 of this Act or its temporary licence under section 20A of this Act if the Electrical Supply Authority which is licensed to supply electricity to that consumer or group of consumers agrees.

“(2) An agreement made for the purposes of subsection (1) of this section shall be entered into by Electrical Supply

Authorities only with the written consent of the consumer or group of consumers.

“(3) A copy of the agreement and of the consent of the consumer or group of consumers hereto shall be lodged with the Secretary.

“(4) This section shall apply to the Crown in relation to any area in respect of which it is acting as an Electrical Supply Authority in the same manner as it applies to any licensed Electrical Supply Authority in relation to the area specified in its licence.”

**6. New Part inserted**—The principal Act is hereby amended by inserting, after section 24, the following new Part IIIA:

“PART IIIA

“ELECTRICAL CODES OF PRACTICE

“24A. **Electrical code of practice defined**—In this Part of this Act the expression ‘electrical code of practice’ means an instrument, order, or requirement for the purposes of, or relating to,—

“(a) The setting or endorsing of standards or specifications concerning the design or construction or installation or importation or manufacture of electrical equipment, appliances, apparatus, materials, installations, or systems:

“(b) The operation or use of electrical equipment, materials, installations, or systems:

“(c) The inspection or maintenance of electrical equipment, materials, installations, or systems:

“(d) The safety of persons or property associated with or using electrical equipment, materials, installations, or systems.

“24B. **Issue of electrical code of practice**—(1) The Secretary may from time to time issue electrical codes of practice, and may from time to time issue an amendment or revocation of any electrical code of practice.

“(2) Every electrical code of practice and every amendment or revocation of an electrical code of practice shall show the date on which it was issued.

“(3) The Secretary may include in any electrical code of practice issued under subsection (1) of this section a reference to all or any of the rules, standards, or requirements of any body corporate or organisation if those rules, standards, or requirements relate to the subject matter of the code. On the

inclusion in the code of a reference to any such rule, standard, or requirement, that rule, standard, or requirement (as it existed on the date of inclusion) shall be deemed to form part of the code.

“(4) Any code issued under subsection (1) of this section may prescribe instructions, orders, or requirements by reference to standards, legislation, or regulations of any other country or by reference to the instructions, orders, or requirements of an overseas organisation. On the inclusion in the code of a reference to any such requirement, that requirement (as it existed on the date of inclusion) shall be deemed to form part of the code.

“24C. **Electrical code of practice to be approved by Minister**—(1) Subject to subsection (5) of this section, an electrical code of practice, an amendment to such a code, and a revocation of such a code, shall not have any force or effect until it has been approved by the Minister.

“(2) Subject to subsection (3) of this section, the Minister shall not approve any electrical code or any amendment or revocation of an electrical code unless—

“(a) Not less than one month has elapsed since the publication in the *Gazette* of a notice of the intention of the Secretary to apply for approval; and

“(b) The Minister has consulted such persons as will be affected by the code or amendment or revocation, or representatives of those persons, and they have had the opportunity to consider its possible effects and to comment on those effects to the Minister; and

“(c) The Minister has considered any comments made to him concerning those effects.

“(3) The Minister may approve an electrical code of practice or any amendment or revocation of that code without complying with the requirements of subsection (2) (a) or (b) of this section if he is satisfied that sufficient consultation has already taken place in respect of the matters in the code or amendment or revocation.

“(4) When the Minister approves an electrical code of practice or an amendment or revocation of that code, he shall—

“(a) Publish a notice of his approval in the *Gazette*; and

“(b) Show the date of his approval on the code, amendment, or revocation and promulgate it in such manner as he thinks fit.

“(5) The fact that the Minister has published in the *Gazette* a notice under subsection (4) (a) of this section shall be

conclusive proof that the requirements of this section have been complied with in respect of the approval specified in the notice.

**“24D. Emergency amendment of an electrical code of practice—**(1) If the Secretary considers it essential in the interests of safety or ensuring the continuity of the supply or distribution of electricity to amend any electrical code of practice forthwith, he may issue an emergency amendment to the code and promulgate it in such manner as he thinks fit.

“(2) Every amendment issued under subsection (1) of this section shall be identified as an emergency amendment issued under this section, and show the date on which it was issued.

“(3) Every such amendment shall remain in force for a period of 60 days after the date on which it was issued and may be continued in force by the Minister for such further period or periods as he thinks fit, but the maximum period of time during which an emergency amendment may remain in force shall be 180 days.

“(4) Subject to subsection (5) of this section, an emergency amendment issued under this section shall for all purposes, while it remains in force, be deemed to have been issued under section 24B of this Act and to have been approved, on the date of its issue, by the Minister under section 24C of this Act.

“(5) If any regulation in force under this Act requires compliance with any electrical code of practice which has been amended under this section, that regulation shall, while the emergency amendment remains in force, be deemed to require compliance with the code as so amended notwithstanding the fact that the regulation was made before that amendment to the code came into force.

**“24E. Citation of electrical code of practice—**In any regulations made under this Act any electrical code of practice or amendment of an electrical code of practice may, without prejudice to any other method of citation, be cited by the title or reference given to it by the Secretary and by its date of issue; and such citation shall be deemed, subject to section 24D (5) of this Act, to include and refer to the latest electrical code of practice or amendment in force when the regulations were made.

**“24F. Proof of electrical code of practice—**(1) Without affecting any other method of proof, the production in any proceedings of a copy of any electrical code of practice or amendment or revocation of an electrical code of practice, purporting to have been issued by the Secretary and to have

been approved by the Minister shall, in the absence of proof to the contrary, be sufficient evidence that it has been issued under the authority of section 24B of this Act and approved by the Minister, on the date shown on it as the date of approval, under section 24C of this Act.

“(2) Without affecting any other method of proof, the production in any proceedings of—

“(a) A copy of an emergency amendment of an electrical code of practice purporting to have been issued by the Secretary shall, in the absence of proof to the contrary, be sufficient evidence that it has been issued under the authority of section 24D of this Act on the date shown on it as the date of issue:

“(b) A certificate under the hand of the Minister that he has continued such an amendment in force until a date specified in the certificate shall, in the absence of proof to the contrary, be sufficient evidence that the amendment has been continued in force until that date under section 24D (3) of this Act.

“(3) In any proceedings for an offence against this Act or against any regulations in force under this Act—

“(a) Any requirement or standard prescribed in an electrical code of practice by reference to the requirements prescribed by the legislation or regulations of any other country or by reference to the requirements prescribed by any overseas organisation may be proved by the production of a copy of such requirements certified to be correct by the Secretary:

“(b) Judicial notice shall be taken of the signature of the Secretary.

“(4) A certificate given by the Secretary under subsection (3) (a) of this section shall not be admissible in evidence if the Court, on application made by the defendant not less than 14 days before the hearing, orders that the Secretary ought to appear as a witness at the hearing.”

**7. Transitional provisions—**(1) Notwithstanding anything in this Act, every instruction, order, or requirement issued by the Secretary pursuant to any regulations made under the principal Act and which was in force immediately before the date of commencement of this Act shall continue in force until—

(a) The expiry of a period of 3 years after the said date of commencement; or

(b) The Secretary revokes it by notice in the *Gazette*; or

(c) It is revoked pursuant to subsection (2) of this section—whichever is the sooner, and shall then expire.

(2) When the Secretary issues an electrical code of practice under section 24B of the principal Act (as inserted by section 6 of this Act) which is intended to replace any instruction, order, or requirement continued in force under subsection (1) of this section, he shall, as an addendum to the code, revoke that instruction, order, or requirement. Every such revocation shall take effect when the code to which it is appended comes into force.

**8. Regulations**—(1) Section 55 (1) of the principal Act is hereby amended by repealing paragraphs (f), (h), and (i), and substituting the following paragraph:

“(i) Securing the protection of persons and property from injury or damage caused through electricity, either directly or indirectly, by—

“(i) Authorising, controlling, and prescribing conditions in respect of the construction, installation, maintenance, use, management, inspection, and testing of electric lines, installations, or works:

“(ii) Authorising, controlling, and prescribing conditions in respect of the installation, manufacture, maintenance, use, inspection, importation, sale, and testing of materials, apparatus, accessories, devices, instruments, equipment, and appliances used or intended to be used in the application of electricity:

“(iii) Prohibiting the manufacture, importation, sale, and use of such materials, appliances, apparatus, accessories, devices, instruments, and equipment as do not satisfy any prescribed tests, standards, or safety criteria:

“(iv) Authorising, controlling, restricting, prescribing conditions in respect of, and, where necessary, prohibiting, the construction, installation, use, management, operation, maintenance, transportation, and movement of any structure, device, thing, or substance, whether fixed or movable and whether permanent or temporary, in the vicinity of any electric line or work or where any electric line or work may affect or be affected by the structure, device, thing, or substance:

“(v) Controlling the existence and location of trees or vegetation that is in the vicinity of, or may affect, any electric line or electrical work:”.

(2) Section 55 (1) of the principal Act is hereby further amended by inserting, after paragraph (k), the following paragraphs:

“(ka) Prescribing, in relation to employees (including employees of any department or instrument of the Executive Government of New Zealand),—

“(i) The training required for any specified class or classes of employees for the purposes of establishing and maintaining safety standards in relation to the generation, transmission, distribution, and application of electricity:

“(ii) The levels of electrical or technical qualifications necessary for the carrying out of any specified class or classes of electrical work or for the holding of positions of electrical responsibility in any branch of the electrical industry or in any specified undertakings concerned with the particular application of electrical energy:

“Provided that nothing in this paragraph shall authorise the making of any regulation in contradiction to the provisions of the Electric Linemen Act 1959 or the Electrical Registration Act 1979 or any regulations made under either Act:

“(kb) Prescribing the requirements for standardisation of systems of supply, the preservation of the quality of electricity supplied from the public system, and measures for greater economy and efficiency in the generation, transmission, distribution, and application of electricity:

“(kc) Prescribing measures for the simplification of methods of charge, the form of the retail tariff, and the criteria to be applied by Electrical Supply Authorities when setting retail tariffs:

“(kd) Regulating the electrical supply relationship between consumers and Electrical Supply Authorities and prescribing the powers and duties of the parties involved in the application, consumption, and distribution of electricity:

“(ke) Authorising the Secretary—

“(i) In cases of urgency to issue, in such manner as may be prescribed, instructions, orders, or requirements for securing the protection of persons from injuries caused, directly or indirectly, by electricity:

“Provided that any such instruction, order, or requirement shall remain in force for such period, not exceeding 6 months, as may be determined by the Secretary or until its earlier revocation by the Secretary:

“(ii) In conditions specific to a consumer, to issue, in such manner as may be prescribed, instructions, orders, or requirements for securing a satisfactory supply of electricity to that consumer:

“(iii) To permit, allow, or authorise specified users (not being domestic users) to operate their own electrical installations, subject to such conditions as the Secretary shall impose:

“(iv) To vary, amend, exclude, or exempt specific installations, persons, or things from requirements imposed by regulations made under this Act, subject to such conditions as the Secretary thinks fit:

“(v) To prescribe or approve the form of licences or consents:

“(vi) To obtain such information concerning the generation, transmission, sale, consumption, application, and supply of electricity as may be required for statistical purposes:

“(vii) To carry out tests on materials, electrical installations, apparatus, and appliances:

“(kf) Prescribing or regulating the amount or rate of charges, fees, or dues payable under this Act:

“(kg) Authorising the recovery of additional expenditure incurred in the provision of the means of supply of electricity:

“(kh) Providing for the constitution, functions, and powers of safety or disputes or appeal committees or authorities for the purposes of this Act.”.

(3) Section 55 of the principal Act is hereby further amended by inserting, after subsection (1), the following subsection:

“(1A) Without limiting the Acts Interpretation Act 1924, no regulation made under this Act shall be invalid because it leaves any matter to the discretion of the Minister or any other person or because it authorises the Minister or any other person to give any consent or approval or to set any standard on or subject to conditions to be imposed or approved by the Minister.”

**9. Validation**—(1) Any regulations made under the principal Act before the passing of this Act which would have been valid if section 8 of this Act had been in force when the regulations were made are hereby validated and declared to have been lawfully made.

(2) Nothing in subsection (1) of this section shall affect any proceedings taken before or after the commencement of this Act in respect of any offence committed before the commencement of this Act.

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This Act is administered in the Ministry of Energy.

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