



ANALYSIS

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1972, No. 128

An Act to amend the Electric Power Boards Act 1925

[20 October 1972]

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 Electric Power Boards Amendment Act 1972, and shall be read together with and deemed part of the Electric Power Boards Act 1925 (hereinafter referred to as the principal Act).

2. Casual vacancies—(1) Section 23 of the principal Act is hereby amended by inserting, after subsection (2), the following subsection:

“(2A) Notwithstanding anything in subsection (1) or subsection (2) of this section, if the vacancy occurs within 6 months before the date fixed for the next triennial election to

fill the office so vacated, the local authority of a constituent district may resolve, and the local authorities of the several constituent districts included in a combined district may agree among themselves, that the vacancy shall not be filled, in which case the vacancy shall not be filled until a representative is elected at the next triennial election.”

(2) The said section 23 is hereby further amended by inserting in subsection (3), after the words “such appointment”, the words “, resolution, or agreement”.

(3) The said section 23 is hereby further amended by omitting from subsection (4) the words “The member so appointed”, and substituting the words “Any member appointed under subsection (1), subsection (2), or subsection (3), of this section”.

3. Power Fund Account—Section 73 of the principal Act (as substituted by section 4 (1) of the Electric Power Boards Amendment Act 1963, and amended by section 3 of the Electric Power Boards Amendment Act 1965 and section 2 of the Electric Power Boards Amendment Act 1967) is hereby further amended by repealing subsections (2) and (3), and substituting the following subsections:

“(2) All money shall be paid by the Board in cash, or by cheque or other instrument signed by the Treasurer or any other officer of the Board whom the Board, by resolution, from time to time appoints for the purpose of signing cheques and instruments, and countersigned in each case by any member whom the Board from time to time authorises to sign cheques and instruments:

“Provided that it shall be lawful with the prior consent of the Audit Office for any money to be paid by the Board by cheque or other instrument signed as aforesaid and countersigned by any officer of the Board whom the Board, by resolution, from time to time, appoints for that purpose.

“(3) Every payment of money by the Board shall be authorised by a prior resolution of the Board or shall be submitted to the Board for authorisation at its next ordinary meeting.”

4. Deposit of money at interest—The principal Act is hereby further amended by inserting, after section 73, the following section:

“73A. Any Board may, in any case where it is deemed advisable that any sum of money at credit of any account

(other than a separate account for a loan) should be placed on deposit at interest, deposit that sum of money with any bank approved by the Board or may deposit that sum with any local authority or public body entitled by law to receive money on deposit.”

5. New sections (as to joint enterprises of Boards) inserted—The principal Act is hereby amended by inserting, after section 82, the following sections:

“82A. Boards and other local authorities may unite in joint contracts and works—(1) Any Board may unite with other Boards or with other local authorities within the meaning of Part I of the Local Authorities Loans Act 1956 in the execution and maintenance of any works, or the performance of any matter or thing, deemed by all the Boards and local authorities concerned to be of benefit to their respective districts, and being within their several powers, and may agree as to the joint control or management of anything that concerns in any way their respective districts or as to the control or management by 1 or more of those Boards or local authorities of any such thing.

“(2) For any such purpose the Boards and other local authorities may enter into contracts between themselves, and into contracts between themselves, or 1 or more of them on behalf of all of them on the one hand, with any other corporation or person on the other hand, and generally may join in any act.

“82B. Boards and other local authorities may unite in the joint purchase, hire, operation, and maintenance of any plant, machinery, and equipment—Any Board may unite with other Boards or with other local authorities within the meaning of Part I of the Local Authorities Loans Act 1956 in the purchase, hire, operation, and maintenance of plant, machinery, and equipment on such terms and conditions as may be agreed, and for that purpose those Boards and local authorities may enter into contracts (being within their several powers) between themselves, or 1 or more of them on behalf of all of them, with any other corporation or person, and generally may join in any act.”

6. Meaning of term “land”—(1) The principal Act is hereby further amended by inserting, after section 121, the following section:

“121A. For the purposes of sections 122 to 122B, the term ‘land’ includes, and is deemed always to have included, any estate or interest, whether freehold or chattel, in real property.”

(2) Subsection (4) of section 122 of the principal Act is hereby consequentially repealed.

7. Authorising Boards to make advances to employees for housing purposes—(1) Section 122A of the principal Act (as inserted by section 3 of the Electric Power Boards Amendment Act 1953 and amended by section 6 of the Electric Power Boards Amendment Act 1958) is hereby further amended by omitting the word “first” from paragraph (a) of subsection (5).

(2) The said section 122A is hereby further amended by repealing paragraph (d) of subsection (5), and substituting the following paragraph:

“(d) The amount of the advance together with the amount secured by any mortgage having priority over the mortgage in favour of the Board shall not exceed nine-tenths of the value of the property to be mortgaged as valued by a public valuer registered under the Valuers Act 1948, and shall not in any case exceed such sum as may be determined by the Minister of Finance from time to time to be the maximum amount that may be advanced by a Board under this section:”.

8. Authorising Boards to guarantee advances to employees for housing purposes—The principal Act is hereby further amended by inserting, after section 122A (as inserted by section 3 of the Electric Power Boards Amendment Act 1953), the following section:

“122B. (1) Any Board may, in addition to or in substitution for the making of any advance pursuant to section 122A of this Act, give a guarantee to any person as security for the liability of any employee of the Board under any mortgage whereby an advance of money is made for the purpose of enabling the employee to—

“(a) Purchase land and erect a dwelling thereon;

“(b) Erect a dwelling on land owned by the employee;

“(c) Purchase an existing dwelling; or

“(d) Add to or repair an existing dwelling owned and occupied by the employee.

“(2) Every guarantee under this section shall be given in respect of a mortgage of a dwelling occupied or intended to be occupied by the employee, and may be given in respect of the liability of the employee alone, or, if the mortgage in respect of which the guarantee is given is of property owned or intended to be purchased by the employee and his wife jointly, in respect of the joint liability of the employee and his wife.

“(3) Every guarantee given by a Board under this section shall, if called up, be paid out of money in the Power Fund Account of the Board.

“(4) No guarantee shall be given in respect of any mortgage by which an advance, together with any other money secured by any mortgage having priority over the mortgage in respect of which the guarantee is given, exceeds nine-tenths of the value of property to be mortgaged as valued by a public valuer registered under the Valuers Act 1948, and shall not in any case exceed such sum as may be determined by the Minister of Finance from time to time to be the maximum amount that may be guaranteed by a Board under this section.

“(5) Every guarantee under this section shall be given as security for the liability of the employee, or the employee and his wife, under a mortgage on the land in respect of which the advance of money is made.

“(6) Every mortgage in respect of which a guarantee is given by a Board shall contain a covenant by the mortgagor that all money for the time being owing under the mortgage shall become due and payable—

“(a) If the mortgagor dies, or resigns, or is dismissed, or for any other reason ceases to be an employee of the Board unless within 3 months after the mortgagor ceases to be an employee the property is sold to another employee of the Board approved by the Board in that behalf; or

“(b) If the mortgagor sells, leases, or otherwise parts with the possession of the property mortgaged otherwise than in accordance with an agreement with the Board.

“(7) Subject to the provisions of this section, any guarantee may be given by a Board on and subject to such terms and conditions as the Board in its discretion considers necessary or desirable in the circumstances.

“(8) Security may be taken by the Board in respect of any guarantee under this section; and in particular, security may be taken over any policy of life insurance, whether the policy be on the life of the mortgagor or on the life of any other person.”

9. Consequential repeals—The following enactments are hereby consequentially repealed:

- (a) The Electric Power Boards Amendment Act 1960:
- (b) The Electric Power Boards Amendment Act 1967:
- (c) Section 22 of the Statutes Amendment Act 1941.

This Act is administered in the New Zealand Electricity Department.
