



ANALYSIS

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1958, No. 28

An Act to amend the Public Works Act 1928

[23 September 1958]

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 Public Works Amendment Act 1958, and shall be read together with and deemed part of the Public Works Act 1928 (hereinafter referred to as the principal Act).

2. Uniform charges instead of rates to meet cost of works—Section thirty-one of the Finance Act (No. 3) 1944 is hereby amended by inserting, after subsection eight, the following subsection:

“(8A) For the purpose of providing any of the money to be paid or expended by any local authority under an agreement entered into under this section, the local authority may, where the agreement so provides, instead of or in addition to making and levying a rate, charge fees annually according

to a uniform scale for service given or available, or for works undertaken or provided that are of approximately uniform benefit to all land in the area affected, which fees shall be charged upon all land served or benefited or capable of being served or benefited by or from the work or scheme to which the agreement relates. The scale may provide for separate charges for availability if not used, for connection, for quantity, and for each installation or class of installations on the premises served by or from the work or scheme or for each piece of land in any area where all land benefits approximately uniformly from the work or scheme; and in the case of any sewerage or drainage work or scheme the charge may be according to the nature of matter received from the premises and treatment required to make it conformable with matter received from other places; and different scales and different uniform fees may be charged under this section in different areas and according to comparable or different circumstances. The proceeds of any such annual fee shall be available to meet the local authority's liabilities in respect of, or expenditure upon, or contribution to, construction, maintenance, and operation of the service, work, or scheme, and charges for interest and sinking fund."

3. Advances for purchase of plant and equipment—(1) Any authority to expend public money on or in relation to a Government work within the meaning of the Public Works Act 1928 shall be deemed to include the power to make advances to any person for the purchase of any machinery, plant, appliance, or equipment which is necessary or desirable either for the better prosecution of that work or for the provision of necessary supplies for that work.

(2) Any advance under this section may be made upon such security and subject to such conditions as the Minister in charge of the Department for the time being having control of the work thinks fit.

(3) The last-mentioned Minister may, for the purposes of this section, in the name and on behalf of Her Majesty, make and enforce such contracts and execute such instruments as he thinks fit.

4. Limited traffic roads and streets—Subsection three of section nine of the Public Works Amendment Act 1956 is hereby amended by omitting the words "such declaration", and substituting the words "such objection".

Electric Lines

5. **Electric lines**—(1) Section three hundred and nineteen of the principal Act is hereby amended by adding to paragraph (f) of subsection two, as enacted by subsection one of section six of the Electricity Amendment Act 1948, the following subparagraph:

“(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.”

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(2) Section three hundred and nineteen of the principal Act is hereby further amended by repealing subsection three, as enacted by subsection one of section twenty-four of the Electricity Act 1945 and amended by subsection three of section six of the Electricity Amendment Act 1948, and substituting the following subsection:

“(3) For the purposes of this section ‘electric line’ or ‘line’ or ‘electric line or work’ means any wire or wires or other conductor, instrument, apparatus, device, or means used or intended to be used or reasonably capable of being used for transmitting, distributing, or otherwise conducting electrical energy, or for the consumption or application of electrical energy; and includes any insulator, casing, tube, pole, or support, or any other thing, whether of similar kind or not, connected with or used for the purposes of an electric line or work; and, for the purposes of subsection two of this section, also includes any such wire or other conductor, instrument, apparatus, device, means, insulator, casing, tube, pole, support, or thing which is situated on the premises of any consumer of electrical energy, or which forms part of any such consumer’s installation, or is connected thereto, or which is the property of any such consumer or under his control, whether or not the electric line or work is used, laid, or placed beyond the limits of the premises of the person who owns or controls the electric line or work, or of whose installation it forms part, or to whose installation it is connected, and whether or not the electric line or work is used pursuant to a licence under this section.”

6. Exceptions—The principal Act is hereby amended by repealing section three hundred and twenty, and substituting the following section:

“320. Section three hundred and nineteen of this Act shall not apply to any electric line as defined in section one hundred and forty-six of the Post and Telegraph Act 1928, nor to any electric line used for the transmission of power for electric-tramway purposes under the authority of an authorising order issued under the Tramways Act 1908, nor to any electric line which is not laid or placed, or is not intended to be used, laid, or placed, beyond the limits of the premises of the person who owns or controls the line, or of whose installation it forms part, or to whose installation it is connected:

“Provided that subsections two, three, and four of section three hundred and nineteen of this Act shall apply to any electric line of the last-mentioned nature.”

7. Repeals—The following enactments are hereby repealed:

- (a) Section three hundred and twenty-one of the principal Act:
 - (b) Section twenty-four of the Electricity Act 1945:
 - (c) Subsections three and five of section six of the Electricity Amendment Act 1948.
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