

Authorizing the Marlborough Electric-power Board to Erect and Use Electric Lines Within the Borough of Picton

B. C. FREYBERG, Governor-General
ORDER IN COUNCIL

At the Government House at Wellington, this 28th day of
September, 1949

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Public Works Act, 1923, and the Electric-power Boards Act, 1925, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth, subject to the conditions set forth in the First Schedule hereto, hereby authorize the Marlborough Electric-power Board (hereinafter with its successors and assigns referred to as the licensee) to lay, construct, put up, place, and use the electric lines described in the Second Schedule hereto; and, further, for the purposes of section seventy-six of the Electric-power Boards Act, 1925, subject to the said conditions, doth hereby authorize the licensee to construct and maintain the said electric works.

FIRST SCHEDULE

1. IMPLIED CONDITIONS

THE conditions directed to be implied in all licences by the Electrical Supply Regulations 1935 and the Electrical Wiring Regulations 1935 shall be incorporated in and shall form part of this licence, except in so far as the same may be inconsistent with the provisions hereof.

2. LICENCE SUBJECT TO REGULATIONS

In respect of the lines hereby authorized, the licensee shall comply with the Electrical Supply Regulations 1935, the Electrical Wiring Regulations 1935, the Radio Interference Regulations 1934, and with any regulations made or to be made in amendment or amplification thereof or in substitution therefor.

3. SYSTEM OF SUPPLY

The system of supply shall be as described in paragraphs (a), (d), and (f) of clause 21-01 of the Electrical Supply Regulations 1935. The primary distribution voltage shall be 11,000 volts between phases.

4. PROVISIONS *re* CHANGE-OVER

In this clause:—

“The Council” means the Picton Borough Council;

“The agreement” means the agreement bearing date the eighteenth day of March, one thousand nine hundred and forty-seven, and made between the Mayor, Councillors, and Burgesses of the Borough of Picton, of the one part, and the licensee, of the other part, of which agreement a copy has been deposited in the office of the Minister in Charge of the State Hydro-electric Department;

“The date of completion” means the date of completion as defined in clause 12 of the agreement.

The following provisions shall apply in respect of the allocation of the cost of adjusting, altering, or replacing consumers' installations within the Borough of Picton as at present constituted, to which supply is, as at the date of completion, given by the Council, consequent on the change-over from the Council's existing direct current system of supply to the licensee's alternating current system of supply herebefore described:—

(1) Consumers' installations, exclusive of radio or wireless sets and electric motors, shall be classified as follows:—

Class A.—Installations in which the wiring is found to be in accordance with the Electrical Wiring Regulations 1935, and any regulations in amendment thereof or in substitution therefor or otherwise governing the same, and which require only such adjustments, alterations, and replacements as are necessitated by the change of system.

Class B.—All other installations.

The cost of adjustments, alterations and replacements shall be allocated as follows:—

Class A.—The whole of the cost shall be paid by the licensee, provided that in the case of extensions and alterations which have not been authorized by the Council, the cost shall be paid by the consumer.

Class B.—The cost of adjustments, alterations, and replacements due to the change of system shall be paid by the licensee, and all other costs shall be paid by the consumer.

(2) The following provisions shall apply in respect of radio or wireless sets and electric motors which are rendered useless by reason of the change-over:—

(a) If any radio or wireless set or electric motor is in good working order and has been in use for less than one year, the licensee shall at its own expense and at its option either—

(i) Make the set or motor efficient for operation under the alternating current system of supply; or

(ii) Replace the set or motor with an efficient set or motor of a capacity equivalent to that rendered useless by the change-over; or

(iii) Pay to the owner or consumer the cost of so replacing the set or motor so rendered useless:

Provided that in the event of the licensee's exercising its option under either subparagraph (ii) or subparagraph (iii) of this paragraph the owner or consumer shall before replacement or payment deliver up possession and ownership to the licensee of the set or motor rendered useless by the change-over.

(b) If any radio or wireless set is in good working order and has been in use for not less than one year but not more than ten years the licensee shall at its option either—

(i) Make the set efficient for operation under the alternating current system of supply; or

(ii) Replace the set with an efficient set of a capacity equivalent to that rendered useless by the change-over: Provided that the owner or consumer shall first have paid to the licensee a sum for the expired use of the set calculated at the rate of one-tenth of the cost of replacing such set for each complete year of its use; or

(iii) Pay to the owner or consumer the cost of so replacing the set so rendered useless, reduced by one-tenth of such cost for each complete year of its use:

Provided that in the event of the licensee's exercising its option under either subparagraph (ii) or subparagraph (iii) of this paragraph the owner or consumer shall before replacement or payment deliver up possession and ownership to the licensee of the set rendered useless by the change-over.

(c) If any electric motor is in good working order and has been in use for not less than one year but not more than twenty years the licensee shall at its option either—

(i) Make the motor efficient for operation under the alternating current system of supply; or

(ii) Replace the motor with an efficient motor of a capacity equivalent to that rendered useless by the change-over:

Provided that the owner or consumer shall first have paid to the licensee a sum for the expired use of the motor calculated at the rate of one-twentieth of the cost of replacing such motor for each complete year of its use; or

(iii) Pay to the owner or consumer the cost of so replacing the motor so rendered useless reduced by one-twentieth of such cost for each complete year of its use:

Provided that in the event of the licensee's exercising its option under either subparagraph (ii) or subparagraph (iii) of this paragraph the owner or consumer shall before replacement or payment deliver up possession and ownership to the licensee of the motor rendered useless by the change-over.

(d) If any radio or wireless set or electric motor is not in good working order, the owner of the set or motor shall not be entitled to claim against the licensee under paragraphs (a), (b), or (c) of this subclause unless and until such owner shall have first paid to the licensee a sum sufficient to meet the reasonable cost of rendering such set or motor in good working order under either the direct or the alternating current system of supply, whichever is the cheaper.

(e) If any radio or wireless set has had more than ten years use, or if any electric motor has had more than twenty years use, the replacement of such set or motor shall be at the sole cost of the owner or consumer.

(3) In cases where owners or consumers do not desire to pay in full at the time of the adjustments, alterations, or replacements, the cost for which they are liable, the whole of such work shall be carried out by the licensee or its agents or servants, and the payment of the whole or the balance (as the case may be) of such cost, shall, unless the licensee and the consumer otherwise agree, be governed by the provisions of the Electric-power Boards Act, 1925, or any statutory modifications thereof.

(4) Any dispute arising between the licensee and any owner or consumer touching or concerning the interpretation of any part of this clause, or the rights and liabilities arising thereunder, or the condition of any installation, radio or wireless set, or electric motor shall be referred to an Appeal Committee, whose decision shall be final. Such Appeal Committee shall consist of:—

(a) A Stipendiary Magistrate or some other person acceptable to the parties, who shall be Chairman;

(b) One person to be appointed by the licensee;

(c) One person to be appointed by the owner or consumer in respect of whose installation, radio, or wireless set, or electric motor, the adjustments, alterations, or replacements are necessary.

The costs of setting up the Appeal Committee shall be payable by the parties in such proportions as the Appeal Committee may decide.

5. DURATION OF LICENCE

This licence shall, unless sooner lawfully determined, continue in force until the twenty-second day of June, one thousand nine hundred and sixty-seven.

SECOND SCHEDULE

LINES adapted for the supply of electrical energy by the systems of supply herebefore described, within the Borough of Picton as at present constituted, the electric lines now proposed to be erected and used being shown by means of red lines and green lines on the plan marked S.H.D. 78, deposited in the office of the Minister in Charge of the State Hydro-electric Department.

T. J. SHERRARD,
Clerk of the Executive Council.

(S.H.D. 10/39/1.)