

The Wellington City Council Electrical Change Over Order 1955

C. W. M. NORRIE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 9th day of November 1955

Present:

THE RIGHT HON. S. G. HOLLAND PRESIDING IN COUNCIL

PURSUANT to section 11 of the Local Legislation Act 1951, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

ORDER

1. This order may be cited as the Wellington City Council Electrical Change Over Order 1955.

2. The conditions prescribed by this order shall apply to the change over pursuant to section 11 of the Local Legislation Act 1951 from the direct-current system at present used by certain consumers to the alternating-current system of supply of electrical energy by the Wellington City Council (hereinafter referred to as the licensee).

3. Subject to the provisions of this order, the licensee may at any time by notice in writing, which may at any time be withdrawn or amended by further notice in writing, require any consumer whose electrical installation is supplied with electrical energy on the direct-current system at a pressure ranging between 500 volts and 550 volts to arrange for the change over of his installation or any specified part thereof by such of the following methods of change over as the licensee may direct:

- (a) The complete change over of the installation from the use of direct current to the use of alternating current on either of the systems of supply described in paragraphs (a) and (d) of regulation 21-01 of the Electrical Supply Regulations 1935;
- (b) The installation of a two-wire rectifier as part of the consumer's installation and property, so that the installation will by means of the rectifier continue to use electrical energy on the direct-current system;
- (c) A combination of the above methods of change over.

4. The electrical installations which are supplied with electrical energy on the direct-current system, and the parts thereof, shall be classified as follows:

Class A: Installations and parts of installations in which the wiring and equipment are found to be in accordance with the regulations governing them, and which require only such alterations as are necessitated by the change over.

Class B: All other installations and parts of installations.

5. The cost and expenses in connection with any change over, alteration, adaptation, adjustment, or replacement of the whole or any part of the installation of any consumer on whom a notice has been served under this order, and of any incidental work on the consumer's premises which is required of the consumer by the licensee pursuant to this order (such cost and expenses being hereinafter referred to as the cost) shall be borne by the consumer or by the licensee or apportioned between them, as the case may be, as follows:

Class A: In respect of installations or parts thereof installed less than one year prior to the service of the notice, the licensee shall bear the whole cost:

In respect of installations or parts thereof installed not less than one year, but less than forty years, prior to the service of the notice, the consumer shall bear 2½ per cent of the cost for each complete year elapsed since the date of installation, and the licensee shall bear the balance of the cost:

In respect of installations or parts thereof installed not less than forty years prior to the service of the notice, the consumer shall bear the whole cost.

Class B: The consumer shall bear the whole cost.

6. Notwithstanding anything in the Wellington City Council Electric Lines Licence 1955, the licensee may invite the consumer, whether before or after the service of a notice under this order, to submit a quotation or quotations from contractors for the work involved in any one or more of the methods of change over referred to in clause 3 of this order. Unless the consumer is liable for the whole cost of the change over, the licensee may by notice in writing warn him not to accept any quotation until it has been approved by the licensee, and if notwithstanding the notice the consumer does accept a quotation that has not been approved by the licensee, the licensee shall be liable for its apportioned share only of such sum as it deems reasonable for the work.

7. The licensee if it so desires, and whether or not it is liable for any part of the cost, may itself carry out the work, either by its own employees or by any contractor engaged by it, and in any such case the licensee shall be entitled, subject to the provisions of this order, to recover from the consumer the cost or, as the case may be, the consumer's apportioned share of the cost:

Provided that the licensee shall not be entitled to recover any sum, or an apportioned share of any sum, which exceeds:

- (a) The lowest cost in any approved quotation or quotations submitted by the consumer for work which complies with the requirements of the licensee; or
- (b) Where no quotation is submitted or no submitted quotation is approved by the licensee, the lowest suitable quotation, if any, procured by the licensee; or
- (c) Whether or not any quotation has been submitted by the consumer or procured by the licensee, any sum agreed on between the consumer and the licensee.

8. (1) Where the licensee, by its employees or by any contractor engaged by it, carries out any work pursuant to clause 7 of this order, the consumer shall pay to the licensee the cost or his apportioned share of the cost or such lesser sum as the licensee is entitled to recover, and shall elect whether he will pay the amount due by him in one sum or in equal quarterly instalments spread over a period of not more than three years or in any other manner that may be agreed upon with the licensee.

(2) Where the consumer elects to pay the amount due by him in one sum, payment shall be made not later than the fourteenth day after the issue of a written demand by the licensee; and in default of payment by that day the amount due, or the balance owing if part payment has been made, shall without prejudice to any other right or remedy which the licensee may have against the consumer in respect of the default, bear interest at the rate of £5 per centum per annum from that date until the date of payment.

(3) Where the consumer elects to pay the amount due by him in instalments as aforesaid, payment of the first instalment shall be made not later than the fourteenth day after the issue of a written statement by the licensee setting forth the full amount due and the amount of the first instalment; and payment of subsequent instalments, together with quarterly payments of interest at the rate of £5 per centum per annum on so much of the amount due as from time to time remains owing by the consumer, shall be made at successive intervals of three calendar months each, the first such interval being reckoned from the fourteenth day after the issue of the statement as aforesaid. The non-receipt of a demand for any instalment and for a quarterly payment of interest shall not release the consumer from liability for payment on the due date for payment thereof. In default of payment of any instalment or quarterly payment of interest on the due date for payment thereof, all moneys outstanding including future instalments shall immediately become due and owing to the licensee.

9. Where any plant or equipment belonging to any consumer is replaced or superseded by plant or equipment installed as a result of the change over, the licensee may by agreement with the consumer arrange for the replaced or superseded plant or equipment to be sold, in which case the net proceeds shall be applied in reduction of the gross cost of the change over of the installation concerned, before the consumer's share, if any, of the cost is charged to him.

10. In the case of any installation falling within Class A aforesaid, the licensee shall be the sole judge of the best type and size of equipment and the best arrangement of the installation to meet the requirements of any plant or machinery driven by the existing installation and any alteration, adaptation, adjustment, or replacement not necessitated by the change over shall be made at the sole expense of the consumer.

11. The licensee shall take all reasonable care to prevent any loss or damage to any consumer's property or premises, and to avoid any unnecessary interference with the consumer's business. The licensee shall make good any damage to walls, floors, or buildings caused by any change over, alteration, adaptation, adjustment, or replacement of any consumer's installation, but shall not otherwise be or become liable or subject to any action, suit, claim, or demand by any consumer or by any person or body claiming or acting through, under, or in trust or as agent for, any consumer in respect of any damage, injury, or loss whatsoever arising out of the change over; and in particular, but without limiting the generality of the foregoing provision, shall not be liable to make good or compensate for any reduction in output, loss of profits, or inconvenience, suffered by any consumer. The consumer shall give all possible facilities and assistance to the licensee and its agents, servants, and contractors in effecting the change over.

12. If any consumer has not within a period of twelve months after service upon him of a notice in accordance with clause 3 hereof taken all reasonable steps to proceed with the change over, the licensee may, without any further notice and notwithstanding anything in this order or in the Wellington City Council Electric Lines Licence 1955 or in the Electrical Supply Regulations 1935 or any order, licence, or regulations made or granted in amendment thereof or in substitution thereof, discontinue the supply to the consumer of electrical energy on the direct current system, and the licensee shall not be under any liability whatsoever to the consumer in respect of, or arising out of the discontinuance of the supply.

13. The provisions of regulation 24-03 of the Electrical Supply Regulations 1935 or of any regulation made in amendment thereof or in substitution thereof shall not have any force or application with respect to anything done or purporting to be done under this order.