

New Zealand.

REPEALED : See  
Act, 1925 No. 38

Schedule to



## ANALYSIS.

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## 1923, No. 37.

Title.

AN ACT to amend the Electric-power Boards Act, 1918.

[29th August, 1923.]

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

Short Title.

1. This Act may be cited as the Electric-power Boards Amendment Act, 1923, and shall be read together with and deemed part of the Electric-power Boards Act, 1918. (hereinafter referred to as the principal Act).

Unauthorized expenditure of Boards.

2. Any Board may in every financial year, out of the Power Fund Account, expend for purposes not authorized by any Act or law for the time being in force any sum or sums not amounting in the whole to more than one per centum of the gross receipts of the Board for that year, exclusive of loan-moneys :

Provided that if one per centum of the gross receipts as aforesaid does not in any year amount to fifty pounds in the case of a district having a population not exceeding five thousand, or to one hundred pounds in the case of a district having a population exceeding five thousand and not exceeding ten thousand, or to two hundred and fifty pounds in the case of a district having a population exceeding ten thousand, the Board may in that year expend for the purposes aforesaid the sum of fifty pounds, or one hundred pounds, or two hundred and fifty pounds, as the case may be.

3. (1.) Notwithstanding anything to the contrary in the Local Bodies' Finance Act, 1921-22, or in any other Act, it shall be lawful for any Board, with the consent of the Minister of Public Works, to borrow moneys from its bankers by way of overdraft, or from any other person or persons, but so that the amount owing under this section from time to time (exclusive of moneys borrowed under section forty of the principal Act) shall not exceed—

Extending powers of Board to borrow by way of bank overdraft to cover initial losses.

(a.) At the end of the first complete financial year after the Board has commenced the supply of electrical energy, three per centum of the aggregate amount of capital expenditure of the Board as at the end of that year :

(b.) At the end of the second such year, five per centum of its aggregate capital expenditure as at the end of that year :

(c.) At the end of the third such year, seven per centum of its aggregate capital expenditure as at the end of that year :

(d.) At the end of the fourth such year, seven per centum of its aggregate capital expenditure as at the end of that year :

(e.) At the end of the fifth such year, six per centum of its aggregate capital expenditure as at the end of that year :

(f.) At the end of the sixth such year, four per centum of its aggregate capital expenditure as at the end of that year :

(g.) At the end of the seventh such year, two per centum of its aggregate capital expenditure as at the end of that year.

(2.) In the eighth such year after the Board has commenced the supply of electrical energy as aforesaid, and in every year thereafter, the powers of the Board to borrow by way of bank overdraft, or otherwise than under section forty of the principal Act, shall be limited to the powers conferred by section three of the Local Bodies' Finance Act, 1921-22.

4. (1.) The Board may from time to time and at any time during any financial year, in addition to any rate made or levied under the principal Act or this Act, make and levy separate rates within any defined portion or defined portions of the district :

Power to make separate rates within defined portion of an electric-power district.

Provided that no such defined portion shall include a constituent district, or any part of a constituent district, of which the local authority is the holder of a license issued under section two of the Public Works Amendment Act, 1911, except with the consent of the licensee.

(2.) The proceeds of any such rate or rates shall be deemed to be part of the income of the Board.

(3.) No rate made and levied under this section in any year shall, in respect of any one property, exceed thirty pounds or be less than one pound.

(4.) For the purposes of this section the expression "one property" means a continuous area of land occupied and used as one holding. An area of land shall be deemed to be continuous notwithstanding that it may be severed by a public road, or by a railway or river, if it is in fact occupied and used as one property.

(5.) Where one property is situated within different constituent districts the rateable value of such property shall be the total rateable values of the separate parts thereof as appearing in the district valuation rolls of such constituent districts.

(6.) Unless a supply of electricity is available at the boundary of the property or at a point within ten chains of such boundary, either from the Board's mains or from the mains of a licensee supplied by the Board, the Board shall not be entitled under this section to collect any rate in respect of that property; and every person liable to pay a rate under this section shall be entitled to receive, free of charge, for use on the property in respect of which the rate is levied, a supply of electrical energy equivalent in value to the total amount of such rate, at the scale of charges from time to time fixed by the Board or the licensee, as the case may be.

(7.) In the event of electricity having been made available for any property at any time during the currency of the year for which a rate under this section is made, such property shall be liable only for a part of that rate proportionate to the unexpired portion of the year.

Disfranchisement  
of defaulting  
ratepayers.

5. (1.) Save as provided in subsection three hereof, it shall be the duty of the Clerk of every constituent district within an electric-power district to send to the Returning Officer, not later than ten days before the date fixed for the holding of any election or the taking of any poll under the principal Act, a list of all ratepayers whose rates, or any part thereof, are then unpaid and have remained unpaid for a period of not less than six months.

(2.) Notwithstanding anything in the principal Act or in any other Act, no person whose name appears on a list furnished under the last preceding subsection for the purposes of any election or poll shall be entitled to vote at that election or poll.

(3.) This section shall not operate to deprive any person of a vote at an election or poll if he is qualified to vote at that election or poll by virtue of the fact that he is an elector of a borough or town district.

Board may levy  
separate rates for  
revenue purposes  
over defined  
portions of district.

6. Section forty-two of the principal Act, as amended by section two of the Electric-power Boards Amendment Act, 1921-22, is hereby further amended by inserting, after the words "a separate rate," the words "or by separate rates"; and by inserting, after the words "within such portion," the words "or within such several portions."

Board may borrow  
money for defined  
portion of district.

7. (1.) The application by section forty of the principal Act of the provisions of the Local Bodies' Loans Act, 1913, shall be deemed to authorize, and at all times since the commencement of that Act to have authorized, any Board under the principal Act to raise a loan for an authorized purpose for the benefit of a defined part or of defined parts of a district (whether called by a distinctive name or not), and in any such case every constituent district within the defined part or parts shall, without limiting the meaning of the expression "legal subdivision" as used in section three of the Local Bodies' Loans Act, 1913, be deemed to be a legal subdivision.

(2.) Notwithstanding anything to the contrary in the Local Bodies' Loans Act, 1913, a loan may be raised by a Board for the benefit of defined parts of an electric-power district although such parts may not together form one continuous area.

Rolls of ratepayers  
for defined portions  
of district.

8. Section nine of the Electric-power Boards Amendment Act, 1920, is hereby amended as follows:—

(a.) By inserting, after the words "within the electric-power district" in subsection one, the words "or any defined portion of that district, as the case may require"; and by

adding to the said subsection the words "or of such defined portion as aforesaid":

(b.) By inserting, after the words "ratepayers of such constituent district" in subsection two, the words "or of any defined portion thereof":

(c.) By inserting, after the words "a constituent district" in subsection three, the words "or defined portion thereof."

9. Section five of the principal Act is hereby amended as from the passing of the Electric-power Boards Amendment Act, 1922, by inserting, after subsection two, the following subsection:—

"(2A.) Where the members of any Board are to be elected by the ratepayers of the whole district the Governor-General shall, by Order in Council, determine the number of members to be so elected."

Provision for fixing number of members where Board elected by ratepayers of whole district.

10. In addition to the general powers conferred on it by section fifty-seven of the principal Act, any Board may undertake the planting of trees for the purpose of providing a supply of timber for the requirements of the Board.

Board may plant trees for supply of timber.

11. The Governor-General may, by regulations made under section ninety-seven of the principal Act, prescribe fines for the breach of any regulation under that section, not exceeding one hundred pounds for any offence.

Regulations under principal Act may prescribe fines.

12. Any Board may, with the consent of the Minister, and subject to such conditions as he may require, let or lease any land or buildings, or portion of any building, not required for the use of the Board.

Board may lease lands or buildings not required for other purposes.

13. (1.) Any area adjoining an electric-power district or adjoining an outer area of an electric-power district and not comprised in any other electric-power district may, on application by the Board of the district, be declared by the Governor-General, by Proclamation, to be included in and to form part of an existing outer area of the electric-power district, or to be an outer area of that district, as from a date to be specified in that behalf in the Proclamation.

On application by Board, Governor-General may include area in outer area of district.

(2.) Every application under this section shall be in the prescribed form, and shall contain such particulars as may from time to time be prescribed in that behalf.