

**Reprint
as at 1 December 2014**



**Electricity (Statistics) Regulations
1996
(SR 1996/17)**

Catherine A Tizard, Governor-General

Order in Council

At Wellington this 26th day of February 1996

Present:
Her Excellency the Governor-General in Council

Pursuant to section 169 of the Electricity Act 1992, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.

Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Ministry of Business, Innovation, and Employment.

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Regulations

1 Title and commencement

- (1) These regulations may be cited as the Electricity (Statistics) Regulations 1996.
- (2) These regulations shall come into force on 1 April 1996.

2 Interpretation

- (1) In these regulations, unless the context otherwise requires,—
 - the Act** means the Electricity Act 1992
 - co-generation system** means a system of electricity generation that—
 - (a) is operated by a person who owns or operates an electrical installation; and
 - (b) supplies electricity to that installation; and
 - (c) operates, or is capable of operating, in parallel with any electricity supply from works
 - electricity generating capacity**, in relation to any person,—
 - (a) means the rated electricity generating capacity of the assets of that person; and
 - (b) includes the rated electricity generating capacity of any co-generation system of that person
 - electricity generator** means any person that has assets that have a rated electricity generating capacity
 - electricity retailing** means the supply of electricity to another person or other persons for any purpose other than for resupply by the other person or persons

equity security has the same meaning as in section 8 of the Financial Markets Conduct Act 2013

financial return means a statistical return—

- (a) that is identified by the Secretary as a financial return; and
- (b) that generally contains information relating to the financial performance of the entity to which the return relates, for example (and without limitation), information relating to income and expenditure, dividends, extraordinary items, stock levels, or capital expenditure

operational return means a statistical return—

- (a) that is identified by the Secretary as an operational return; and
- (b) that generally contains information relating to the operation of the entity to which the return relates, for example (and without limitation), information relating to the amount of electricity generated, human resources engaged by the entity, or the uses of electricity sold by the entity

prescribed business relationship has the meaning given to it in regulation 3

specified activity means any of the following activities:

- (a) the generation of electricity;
- (b) the distribution of electricity (including electricity transmission);
- (c) electricity retailing

statistical return means a return containing information required, by notice given pursuant to regulation 5, to be supplied to the Secretary

statistical year means a period of 12 months beginning on 1 April in any year and ending with 31 March in the following year.

- (2) Where any expression used in these regulations is not defined in these regulations but is defined in the Act, that expression shall, unless the context otherwise requires, have, in these regulations, the meaning given to it in the Act.

Regulation 2(1) **equity security**: replaced, on 1 December 2014, by section 150 of the Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70).

3 Prescribed business relationship

- (1) For the purposes of these regulations,—
- (a) any 2 persons shall be deemed to be in a prescribed business relationship if—
 - (i) one of them has an interest in more than 50% of the assets or profits of the other person; or
 - (ii) one of them has a controlling interest in the other person; or
 - (iii) one other person holds a controlling interest in each of those 2 persons, or has an interest in more than 50% of the assets or profits of each of those 2 persons; or
 - (iv) one other person holds a controlling interest in one of those persons, and has an interest in more than 50% of the assets or profits of the other person:
 - (b) a line owner and another person (being an electricity generator or an electricity retailer) shall be deemed to be in a prescribed business relationship in any case where—
 - (i) that line owner—
 - (A) has an interest in 50% or more of the assets or profits of that other person; or
 - (B) holds a controlling interest in that other person; or
 - (ii) interests in the assets or profits of that other person are held by that line owner and any 1 or more other line owners, and those interests amount, in the aggregate, to an interest in 50% or more of those assets or profits; or
 - (iii) equity securities in that other person are held by that line owner and any 1 or more other line owners, and, by virtue of those equity securities, those line owners hold, in the aggregate, a controlling interest in that other person:
 - (c) where—
 - (i) any person carries on any activity specified in one of the paragraphs of subclause (2); and

- (ii) that person also carries on an activity specified in any other paragraph of that subclause,—
those 2 activities shall be deemed to be in a prescribed business relationship.
- (2) The activities to which subclause (1)(c) applies are as follows:
 - (a) the generation of electricity:
 - (b) the supply of electricity (other than as an electricity retailer):
 - (c) the ownership of works used for the generation of electricity:
 - (d) the supply of line function services:
 - (e) the conveyance of electricity:
 - (f) the ownership of works used for the supply of line function services or the conveyance of electricity:
 - (g) electricity retailing.
- (3) For the purposes of subclause (1)(a), to hold a controlling interest in another person means to hold (whether directly or indirectly) equity securities in that other person that carry in the aggregate more than 50% of the voting rights at any general meeting of the other person.
- (4) For the purposes of subclause (1)(b), to hold a controlling interest in another person means to hold (whether directly or indirectly) equity securities in that other person that carry in the aggregate 50% or more of the voting rights at any general meeting of the other person.
- (5) For the purposes of subclauses (3) and (4), a person holds equity securities in another person if the first-mentioned person is beneficially entitled to, or is beneficially entitled to an interest in, any equity securities in the other person (whether or not the whole or any part of the legal ownership of the equity securities is vested in the first-mentioned person).
- (6) For the purposes of subclause (1), a person has an interest in the assets or profits of another person if the first-mentioned person owns (whether directly or indirectly), or has a beneficial interest (whether directly or indirectly) in, those assets or profits.

4 Persons to whom these regulations apply

These regulations apply to the following persons:

- (a) electricity generators;
- (b) electricity distributors;
- (c) electricity retailers.

5 Secretary may obtain information required for statistical purposes

- (1) The Secretary may from time to time send to any person to whom these regulations apply a notice requiring that person to supply to the Secretary, in respect of any statistical year, such information concerning the generation, conversion, transformation, conveyance, sale, consumption, and use of electricity as the Secretary may require for statistical purposes.
- (2) A notice may be sent pursuant to subclause (1) at any time, but the following provisions apply with respect to the time allowed for supplying a statistical return in accordance with the notice:
 - (a) where a notice is sent not later than 1 month before the beginning of the statistical year in respect of which a statistical return is required, the notice shall require the statistical return to be supplied to the Secretary,—
 - (i) in the case of an operational return, not later than 3 months after the expiry of that statistical year;
 - (ii) in the case of a financial return, not later than 5 months after the expiry of that statistical year;
 - (b) where a notice is sent later than 1 month before the beginning of the statistical year in respect of which a statistical return is required, the notice shall require the statistical return to be supplied to the Secretary,—
 - (i) in the case of an operational return, not later than 4 months after the date of the notice, or 3 months after the expiry of that statistical year, whichever is the later;
 - (ii) in the case of a financial return, not later than 6 months after the date of the notice, or 5 months after the expiry of that statistical year, whichever is the later.
- (3) Every notice pursuant to this regulation shall be in such form as the Secretary from time to time prescribes or approves.

- (4) Any notice pursuant to this regulation may require that any statistical return supplied in accordance with the notice be in such form as is specified in the notice.
- (5) Every notice pursuant to this regulation requiring any person to supply a statistical return shall specify the information to be included in that return in such detail as will clearly inform that person of that person's obligations pursuant to the notice.
- (6) A notice pursuant to this regulation may be given in respect of a statistical year that has commenced or expired before the commencement of these regulations.

6 Information regarding activities and persons in prescribed business relationship

Any notice pursuant to regulation 5 may require, in respect of a statistical return,—

- (a) the consolidation of information relating to activities that are in a prescribed business relationship;
- (b) the consolidation of information relating to persons that are in a prescribed business relationship.

7 Major components

- (1) Where, in respect of any item of information that is required to be included in a statistical return, a notice under regulation 5 specifies that major components must be specified, there shall be included in that return a breakdown of that information listing each component of that item that constitutes, by value or quantity as the case may be, 10% or more of that item.
- (2) The following is an example, and only an example, of the requirements of subclause (1):

A. Income from electricity generation

(i) Other income	\$313,702
(i) Income from sale of appliances	\$127,123
(ii) Income from bad debts recovered	\$126,234
(iii) Income from sale of assets (vehicles)	\$60,345
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	\$313,702.

8 Verification of statistical returns

- (1) Every statistical return supplied to the Secretary pursuant to these regulations by any person shall be verified by an authorised principal of that person.
- (2) Every such verification shall be in the form of a declaration, which shall—
 - (a) be in such form as the Secretary from time to time prescribes or approves; and
 - (b) be signed and dated by the person making the declaration; and
 - (c) be endorsed on, or accompany, the statistical return to which it relates.

9 Multiple returns

Where, in respect of a particular statistical year, a person is required by these regulations to supply to the Secretary more than 1 financial return by reason that the person has, in that statistical year, carried on more than 1 specified activity, that person shall ensure, in the preparation of those returns, that assets, liabilities, costs, and revenues are appropriately allocated between each of those activities in order to ensure that the value of any assets, liabilities, costs, or revenues is not reflected in more than 1 return.

10 Reasonable estimates where information unavailable

- (1) Where any information required to be included in a statistical return, or any information from which such information is derived (in whole or in part), is unavailable, reasonable estimates based on any available data (whether factual or historical, as the case requires) may be included in the return or, as the case requires, used as a basis for deriving the information so required to be included.
- (2) Where, in accordance with subclause (1), reasonable estimates are included in a statistical return or used as a basis for deriving such information, the statistical return shall—
 - (a) include a statement to that effect; and
 - (b) identify the estimated information or, as the case may be, the information that has been derived from estimated information.

- (3) Without limiting subclause (1) of this regulation, this regulation applies in respect of a statistical return required pursuant to a notice to which regulation 5(2)(b) applies.

11 Statistical information involving monetary amounts

Where any person is required to state, in any statistical return, any monetary amount, then, unless the notice pursuant to which that statistical return is required otherwise requires, the monetary amount shall be stated to the nearest dollar, and shall be exclusive of goods and services tax.

12 Offences

- (1) Every person commits an offence against this regulation who, being a person who is required by a notice given pursuant to regulation 5 to supply a statistical return to the Secretary,—
- (a) fails, without reasonable excuse, to supply that statistical return to the Secretary within the period specified in the notice; or
 - (b) supplies to the Secretary a statistical return that does not comply with a requirement imposed by or pursuant to regulation 5(4) or regulation 6 or regulation 7 or regulation 8 or regulation 9 or regulation 10(2) or regulation 11; or
 - (c) makes a false declaration when supplying any statistical return pursuant to these regulations.
- (2) Every person who commits an offence against subclause (1) is liable on conviction to a fine not exceeding \$10,000.
- (3) Without limiting the matters that may or may not constitute a reasonable excuse for the purposes of subclause (1)(a), the fact that some or all of a person's assets (being assets that are used for a specified activity) are under the control or management of another person (whether pursuant to a lease or otherwise howsoever) does not constitute a reasonable excuse, for the purposes of subclause (1)(a), to fail to supply a statistical return.

Regulation 12(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Diane Wilderspin,
Acting for Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 29 February 1996.

Reprints notes

1 *General*

This is a reprint of the Electricity (Statistics) Regulations 1996 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70): section 150

Criminal Procedure Act 2011 (2011 No 81): section 413
