



ANALYSIS

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1972, No. 9—*Local*

An Act to extend the powers of the Taupo Borough Council to lay, construct, put up, place, or use electric lines and works which may from time to time be required for the distribution and supply of electricity under the Taupo Borough Council Water Power and Electric Lines Licence 1965
[20 October 1972]

WHEREAS the Taupo Borough Council is an electrical supply authority within the meaning of the Electricity Act 1968 and has established and operates certain works for the generation and supply of electricity and generally carries on the business in all its branches of the supply and sale of electricity: And whereas it is desired that the Taupo Borough Council should be empowered to erect electric lines on private land without being bound to acquire the same: And whereas it is desired that the cost of the installation of electrical equipment installed by the Taupo Borough Council in public or private buildings be a charge on the land: And whereas it is expedient that the past construction of electric lines and works by the Taupo Borough Council be validated in certain cases:

BE IT THEREFORE 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 Taupo Borough Council Empowering (Electricity) Act 1972.

2. Interpretation—In this Act, unless the context otherwise requires,—

“Area of supply” means the area of supply defined in the First Schedule to the Taupo Borough Council Water Power and Electric Lines Licence 1965 or in any subsequent licence issued to the Taupo Borough Council under Part III of the Electricity Act 1968:

“Council” means the Taupo Borough Council:

“Electric line” or “line” has the same meaning as in the Electricity Act 1968.

3. Electric lines on private land—(1) In addition to its other powers as an electrical supply authority and subject to the Taupo Borough Council Water Power and Electric Lines Licence 1965 and any subsequent licence that may be granted to the Council under Part III of the Electricity Act 1968, the Council may from time to time lay, construct, put up, place, or use electric lines on, over, or under private land within the area of supply, and may construct tunnels under any such land, erect towers, pylons, and poles thereon, and carry wires over, under, or along such land without being bound to acquire the same.

(2) For the purposes of subsection (1) of this section the Council may make use of aeroplanes, helicopters, or other aircraft over such land, and for those purposes the Council shall have a right of way to and along all such works and erections; and the Council may also deposit and store from time to time upon any land adjoining such works all such machinery and material of any kind as may be used in the construction or repairing of such works:

Provided that nothing in this section shall abrogate the right of the owner or occupier to have all the rights of compensation given by section 5 of this Act.

4. Written notice to be given to occupier of intention to erect lines—(1) The Council shall, before laying, constructing, putting up, placing, or using electric lines and cables on,

over, or under any private land pursuant to section 3 of this Act (except in the case of accident to the electric lines or transmission lines requiring immediate repair), give to the owner or occupier of the land not less than 21 days' notice in writing, and shall state in such notice the use proposed to be made of the land.

(2) If Maori freehold land is owned in common, is not vested in a trustee, and the name of an occupier is not entered in the valuation roll pursuant to subsection (1) of section 150 of the Rating Act 1967, notice pursuant to subsection (1) of this section may be sent to the nominee appointed under subsection (2) of the said section 150 to receive notice of every rate levied on the land:

Provided that, if no such nominee has been appointed in respect of the land, a Judge or Commissioner or Registrar of the Maori Land Court shall, on the application of the Council, appoint a person having an interest in the land to receive such notice.

(3) The owner or occupier or nominee, as the case may be, may, within 10 days after receiving such notice, and after giving notice to the Council of his intention to do so, apply to any Magistrate, who may thereupon summon the Council to enter an appearance before him at a time and place to be named in the summons.

(4) If it appears to the Magistrate that the use proposed to be made of the said land is unreasonable and unnecessary, or that other neighbouring land is more fitting to be used for the purpose proposed, the Magistrate may, by writing under his hand, order that the land in question shall not be used in the manner proposed.

(5) If it appears to the Magistrate that the use proposed to be made of the said land is reasonable and necessary he may in like manner order that the said land may be used in such manner and to such extent only and subject to such limitations and restrictions as he thinks fit; and all persons concerned shall be bound by any such order.

5. Compensation for damage—(1) Every person having any right, title, estate, or interest in any land or property injuriously affected by the exercise from time to time of any powers conferred by this Act shall be entitled to full compensation for all loss, injury, or damage suffered by him.

(2) In default of agreement between the parties, claims for compensation under this section shall be made and determined within the time and in the manner provided by the Public Works Act 1928, and the provisions of that Act shall, so far as they are applicable and with the necessary modifications, apply with respect to claims under this section.

(3) This section shall apply to claims on behalf of the Crown, as well as to claims by or on behalf of other persons.

6. Validation—All electric lines, transmission lines, and other works laid, constructed, put up, placed, or used by the Council over, on, or under any private land within the area of supply before the commencement of this Act shall be deemed to have been lawfully laid, constructed, put up, placed, or used by the Council, and the Council shall have the same right of way in respect thereof as if section 3 of this Act had been in force at the material times.
