

Electric Telegraph Act 1875 Amendment Act 1883

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An Act to amend “The Electric Telegraph Act, 1875.”

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

1 Short Title.

The Short Title of this Act is “The Electric Telegraph Act 1875 Amendment Act, 1883.”

2 Interpretation.

In this Act, if not inconsistent with the context,—

“Electricity” includes electric current or any like agency:

“Electric line” means a wire or wires, conductor, or other means used for, the purpose of conveying, transmitting, or distributing electricity, together with any casing, coating, tubing, pipe-covering, or insulator enclosing, surrounding, or supporting the same:

“Lighting purposes” means the lighting with electricity of any public street or place, or any yard, alley, or court, or any building, premises, or works of any kind, whether of a public or private nature, and whether the same are or are not occupied or used for any purpose, or are only in course of erection or construction.

3 License to be issued for erection of electric lines for lighting purposes.

The Commissioner of Telegraphs, or any officer of his department appointed by him from time to time for that purpose by a notification in the *Gazette*, may grant and issue licenses for the purposes and subject to the provisions of this Act in the following cases:—

- (1.) Where an electric line for lighting purposes has already been erected, and the applicant desires to continue and maintain the same;
- (2.) Where the applicant desires to lay, or put up, or erect, and maintain an electric line for lighting purposes.

But this provision shall not extend to any case where the electric line used or intended to be used is not laid, conveyed, or placed, or intended to be laid, conveyed, or placed, beyond the limits of the building or premises in which the electricity is generated for such lighting purposes.

4 Form and terms of license.

- (1.) All licenses shall be in writing, in such form as the Commissioner may from time to time prescribe, and shall state the course and direction of the electric line mentioned therein; and the production of any such license shall, during the continuance thereof, be evidence that this Act has been complied with.
- (2.) Any such license may be extended to any other locality or direction than that mentioned therein by the Commissioner on the request of the applicant, and any such license may be transferred by the holder to any other person by an indorsement in writing thereon signed by the licensee or his duly authorized agent.
- (3.) Licenses may be revoked by the Commissioner if the holder shall be convicted of any offence against this Act, or, at the discretion of the Commissioner, may be suspended until the licensee has complied with any order made under this Act; and a notice in the *Gazette* that a license has been revoked or suspended shall be conclusive evidence of the fact.

5 Prohibition from erecting electric lines for lighting purposes which may interfere with Government telegraph lines without license.

No person shall hereafter, whether with or without the consent of the owner or occupier of any building or erection of any kind, lay, put up, or in any way erect or place any electric line for lighting purposes which shall pass over, along, or across any other electric line, whether used for lighting purposes or any other purpose connected with electricity, or any electric telegraph line or works erected by or under the control and management of the Commissioner, without the license of the Commissioner, to be obtained as hereinbefore provided.

If any person shall offend against this section he shall be liable to a penalty not exceeding fifty pounds for every such offence.

Provided that, where any person lays, erects, puts up, or places any such electric line in any borough, town, or place, he shall obtain the previous consent of the local governing authority having the control of roads or streets therein in any case where such consent is requisite or necessary by or under the provisions of any Act of the General Assembly.

6 Electric lines endangering life or property may be ordered to be removed or altered.

If any electric line, whether used for lighting purposes or for any other purpose connected with electricity, has been laid, placed, or constructed, or is in operation at the date of the passing of this Act, which passes over, or across, or along any other electric line, or shall hereafter be so laid, placed, or constructed, or be in operation, and which, in any of the said cases, shall, in the opinion of the Commissioner, endanger, or be likely to endanger, human life, or any building or erection of any kind, or any electric telegraph line or works erected by or under the control or management of the Commissioner, any Resident Magistrate may, upon complaint made to him by or on behalf of the Commissioner, in a summary way, under "The Justices of the Peace Act, 1882," order the owner of such first-mentioned electric line, or any person having or appearing to have the control thereof, or any such person or persons as hereinafter mentioned, within a time to be specified in the order, to remove such line or any part thereof, or so to arrange the same or any part thereof that it shall not pass over, along, or across such other electric line or electric telegraph line or works as aforesaid.

7 Certificate of Commissioner or Superintendent to be evidence.

In any proceeding under this Act the production by any officer or person on behalf of the Commissioner of a certificate in writing purporting to be signed by the Commissioner or the Superintendent to the effect that any electric line as first mentioned in the last-preceding section is so laid, placed, or constructed as to contravene this Act or any provision thereof, or, in cases where a license is necessary, that no license under this Act has been issued or is in force, shall be

primâ facie evidence of the matters therein stated, and without any proof of the signature of such certificate as aforesaid.

8 Persons to obey orders of Court under penalty.

Every person in respect of whom any order shall be made under this Act shall forthwith take all necessary steps to obey and comply therewith, and, in case default shall be made therein, such person shall be liable to a penalty not exceeding ten pounds for every day during which such contravention or non-compliance continues.

9 Officers of companies, &c., to be liable to obey orders made.

Every person being a director, or the secretary, manager, agent, or other officer of any company, association, or body corporate owning, possessing, or using any electric line shall be deemed to be the owner of such electric line for the purposes of this Act, and liable to its provisions accordingly; and any order made under this Act against or in respect of any such company, association, or body corporate may be served upon any one of such persons as the Court making the order directs.

The person so served shall be bound to obey the order made, and shall be liable for any neglect in that behalf as if he were personally the owner of the electric line affected thereby and had been a party to any proceedings before the Court.

10 Penalties to be recoverable summarily.

All penalties imposed by this Act may be recovered in a summary way before any two or more Justices of the Peace in the manner provided by "The Justices of the Peace Act, 1882."

11 Act not to limit powers exercisable under Act of 1875.

Nothing in this Act shall be deemed to limit or control any power, right, duty, or authority conferred upon, vested in, or that may be exercised by any authority or person under or by virtue of "The Electric Telegraph Act, 1875," or any Act amending the same.