

**Electricity Safety Act 1998**  
DECLARATION UNDER SECTION 4  
Order in Council

The Governor in Council, on the recommendation of the Office of the Chief Electrical Inspector, under section 4 of the **Electricity Safety Act 1998** declares that such of the provisions of this Act specified in this Order do not have effect to such extent as is specified -

Part 1  
Section 4(1)(a) of the **Electricity Safety Act 1998**  
Electrical contractors and electrical workers

Sections 45(1) and 45A of the Act do not have effect in relation to a person who is responsible for carrying out of prescribed electrical installation work if the person is responsible for work that involves the repair or replacement, for the purpose of restoring electricity supply to a customer, of all or part of consumers mains, main earthing systems and those parts of main switchboards that are related to the control of electrical installations and the protection against the spread of fire on condition that the responsible person ensures that a certificate of electrical safety containing a certificate of compliance is completed in respect of that work and complies with the relevant provisions of the Act and the Electricity Safety (Installations) Regulations 1999 relating to that certificate.

Part 2  
Section 4(1)(b) of the **Electricity Safety Act 1998**  
Electrical equipment

1. Divisions 1, 2 and 3 (with the exception of section 43) of Part 3 of the Act do not have effect in relation to electrical installation used in the operation of a d.c. traction system and for signalling and control systems within the d. c. traction system.

A "d.c. traction system" has the same meaning as it has in the Electricity Safety (Network Assets) Regulations 1999.

2. Sections 75, 76(2) and 76(3) of the Act do not have effect in relation to electrical equipment used in a railway or tramway system in conjunction with the operation of mining under licence within the meaning of the **Mineral Resources Development Act 1990** on condition that entry to the railway or tramway system is restricted to persons authorised by the owner or inspector of the system.
3. Sections 76, 77 and 84 of the Act do not have effect in relation to electric lines ordinarily operated at a voltage not exceeding 50 volts alternating current or 120 volts ripple-free direct current.
4. Section 84 of the Act does not have effect in relation to electric lines that are owned or operated by the telecommunications industry to transmit or distribute telecommunication signals or data.
5. Section 93 of the Act does not have effect in relation to cathodic protection systems contained entirely within a metal water tank that are solely for the protection of the tank.

Part 3  
Section 4(1)(d) - Responsible persons

1. Section 84(4) of the Act does not have effect in relation to a person responsible keeping the whole or any part of a tree clear of an electric line where a distribution company takes responsibility for keeping the tree or the part of the tree clear of the line, with the agreement of the Office of the Chief Electrical Inspector and the responsible person.
2. Section 84(6) of the Act does not have effect in relation to the Roads Corporation keeping the whole or any part of a tree clear of an electric line where a distribution company takes responsibility for keeping the tree or the part of the tree clear of the line, with the agreement of the Office of the Chief Electrical Inspector and the Roads Corporation.

This Order is effective from 31 December 1999.  
Dated 14 December 1999.