

# Inspection of Machinery Act 1902

Public Act 1902 No 42  
Date of assent 3 October 1902

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**An act to consolidate and amend the Law relating to the Inspection of Machinery.**

**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 Inspection of Machinery Act, 1902.”

**2 Interpretation.**

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

“Boiler” means any boiler or vessel in which, or by means of which, steam is used or applied to any manufacturing or other process, or in which or by means of which steam is generated for working machinery, and includes a digester:

“Building” means any manufactory, mill, shop, shed, or other place or building in which any machinery is erected, or where the same is kept, used, worked, or in operation:

“District” means any district proclaimed under this Act:

“Inspector” means any person appointed to be an Inspector of Machinery under this Act, acting within the district for which he is appointed:

“Machinery” means and includes every shaft, whether upright, oblique, or horizontal, and every drum, wheel, strap, band, or pulley by which the motion of the first moving power is communicated to any machinery; and every machine, gearing, contrivance, or appliance worked by steam or water power, or by electricity, gas, gaseous products, or compressed air, or in any other manner, other than by hand, by which motive power may be obtained of such kinds as are from time to time declared to be subject to the provisions of this Act:

“Minister” means the Minister for the time being having charge of the Inspection of Machinery Department, or other Minister, being a member of the Executive Council, from time to time appointed by the Governor to administer this Act:

“Owner” means and includes as well the owner of any boiler or machinery as also the mortgagee or lessee thereof, and any engineer, overseer, foreman, agent, or person in charge or having the control or management of any such boiler or machinery:

“Premises” means and includes any yard, place, house, or buildings, and any farm, paddock, field, road, or place, in which any machinery is kept, worked, used, or is in operation:

“Prescribed” means prescribed by this Act or by regulations made thereunder.

### *Administration*

#### **3 Districts.**

The Governor may, by Proclamation, from time to time divide the colony into districts, with such boundaries as he thinks convenient, and may assign to any such district a name by which it shall be known for the purposes of this Act; and may in like manner from time to time alter the boundaries of districts.

#### **4 Chief Inspector and Inspectors.**

- (1.) The Minister may from time to time appoint some duly qualified person to be Chief Inspector of Machinery, and for each district one or more duly qualified persons to be Inspectors of Machinery.
- (2.) Any person may be appointed Inspector for two or more districts if the Minister thinks fit.

#### **5 Inspector’s certificate of appointment.**

Every Inspector shall be furnished with a certificate in writing, under the hand of the Minister, of his appointment for the district named therein; and on his entering upon any place or premises, or into any building, for any of the purposes of this Act, he shall, if required, produce the said certificate to the owner.

**6 False certificate.**

Every person who forges or counterfeits any such certificate, or makes use of any forged, counterfeited, or false certificate, or who falsely pretends to be an Inspector under this Act, commits an offence, and is liable to imprisonment, with or without hard labour, for any period not exceeding three months.

**7 Powers and duties of Chief Inspector.**

The Chief Inspector shall within every district have all the powers of an Inspector in such district, and he may exercise such powers alone, or in conjunction with any Inspector.

**8 Inspector to keep minutes, and report to Chief Inspector.**

Every Inspector shall keep full minutes of all his proceedings, and shall from time to time report the same to the Chief Inspector, with such particulars and information as the Chief Inspector requires.

**9 Powers and duties of Inspectors.**

- (1.) An Inspector may enter into any building or premises within his district wherein there is placed or erected any machinery, whether the same is declared to be subject to this Act or not, or into or upon any premises where such machinery is in use or working or is kept, and may then and there inspect and examine such machinery and the appliances connected therewith or belonging thereto, in order to ascertain whether the provisions of this Act have been complied with.
- (2.) Such entry may be made at any time either by day or by night, and whether such machinery is in operation or working or not.
- (3.) In making such inspection the Inspector may call to his aid any constable, or any person he may think competent to assist therein, and may require the owner of the machinery to explain the working thereof, and may examine him as to the compliance with this Act in any particulars.
- (4.) If any person wilfully impedes the Inspector in the execution of any part of his duty under this Act, or if the owner of any such machinery refuses to give such explanation or information as aforesaid, every such person, and all persons aiding or assisting therein, shall be liable to a penalty not exceeding twenty pounds and not less than five pounds.

*Machinery subject to Act***10 Machinery to which Act applies.**

- (1.) The several kinds and descriptions of machinery and articles mentioned in the First Schedule hereto shall be deemed to be machinery for the purposes of this Act.

- (2.) The Governor may, by Order in Council gazetted, from time to time declare that any other kinds of machinery shall be subject to the provisions of this Act; and in any such case, and from and after a date to be fixed by such Order in Council, the machinery therein mentioned shall be so subject.
- (3.) He may in like manner from time to time declare that any kinds of machinery shall cease to be machinery subject to this Act.

#### **11 Persons having machinery subject to Act to notify Inspector.**

- (1.) Every person who becomes the owner of any machinery subject to the provisions of this Act shall, within one month thereafter, send to the Inspector of the district where the same is, or in which it is intended to use, keep, or work the same, a notice stating the name of such owner, the place or town where such machinery is erected, kept, or intended to be used, the nature and kind of machinery, and the nature and amount of the motive power.
- (2.) Where any machinery is declared subject to the provisions of this Act, the owner thereof shall, within one month from the date of the coming into operation of the Order in Council rendering such machinery subject to this Act, give notice to the Inspector in like manner as hereinbefore provided.
- (3.) Every person who fails to give any such notice is liable to a penalty not exceeding ten pounds.

#### *Employment of Young Persons*

#### **12 Young persons not to be employed in certain cases.**

- (1.) A young person under fourteen years of age shall not be employed in working or assisting to work at or with any machinery.
- (2.) A young person under the age of fifteen years shall not be allowed to clean any part of the gearing of any machinery while the same is in motion, nor to work between the fixed and traversing part of any self-acting machine while the latter is in motion by the action of the steam-engine, water-wheel, or other mechanical power.
- (3.) No boiler or machinery shall at any time be left in charge or control of any person unless he is a male of at least eighteen years of age.
- (4.) In case of a breach of any of the provisions of this section the owner of the machinery shall be liable to a fine not exceeding twenty pounds and not less than five pounds.

#### *Fencing of Machinery*

#### **13 Certain machinery to be fenced.**

- (1.) Every fly-wheel directly connected with the steam- engine or the water-wheel or other mechanical power, whether in the engine-house or not, every part of a steam-engine and water-wheel, and every hydraulic or other lift near to which

any person is liable to pass or be employed, shall be securely fenced, and every wheel-race not otherwise secured shall be fenced close to the edge of the wheel-race, and the said protection to each part shall not be removed while the parts required to be fenced are in motion by the action of the steam-engine, water-wheel, or other mechanical power.

- (2.) This section applies to machinery of every kind, whether declared to be subject to the provisions of this Act or not.
- (3.) In case of a breach of any of the provisions of this section the owner shall be liable to a penalty not exceeding twenty pounds, unless it appears to the satisfaction of the Justices before whom any complaint on the prosecution for such penalty is heard that it was impossible to fence the several parts of machinery or mechanical powers therein mentioned.

#### **14 Notice of machinery requiring fencing.**

- (1.) Where an Inspector is of opinion that any machinery subject to this Act, or that any driving strap or band which he deems likely to cause bodily injury to any person engaged in the working thereof, is not securely fenced or otherwise sufficiently guarded, he shall give notice to the owner, specifying the part of the machinery he considers dangerous, according to the form numbered (1) in the Second Schedule hereto, or to the effect thereof; and the owner shall sign a duplicate copy of such notice in acknowledgment of his having received it.
- (2.) If the owner does not within a period of ten days from the service of such notice upon him comply with the terms thereof he is liable to a penalty not exceeding fifty pounds and not less than ten pounds.

#### *Defective Machinery*

#### **15 Faulty or defective machinery.**

- (1.) Where any machinery subject to the provisions of this Act, or any appliance or contrivance connected or used with such machinery, or any part thereof, is or appears to an Inspector to be faulty or defective in any particular, or so dangerous as to be likely to cause loss of life or bodily injury to any person, he may give to the owner of such machinery a notice to that effect, and such notice may either require the owner—
  - (a.) To wholly desist from working or using such machinery, or any appliance or contrivance used or connected therewith, from a period to be fixed in such notice, until certain repairs or alterations to be stated in the notice have been effected; or
  - (b.) To have the arrangement of such machinery, appliance, or contrivance so altered, or the faulty or defective part thereof placed or repaired, within a certain time to be stated in such notice, so as not to contravene this Act.
- (2.) Every person to or upon whom such notice has been served or delivered who fails to comply with the terms thereof is liable to a penalty not exceeding one

hundred pounds and not less than twenty pounds, in addition to any criminal or civil liability he may otherwise incur.

*Provisions affecting Boilers*

**16 Certain provisions of the Act applied to boilers.**

All the powers of entry and inspection and other powers and authorities conferred upon Inspectors, and all other powers, rights, duties, and authorities conferred upon or given to any person or persons, and all penalties imposed on any owner of machinery or other person under the foregoing provisions of this Act, shall, subject- to the provisions hereinafter contained, be applicable and may be enforced in carrying into effect the succeeding sections of this Act relating to boilers.

**17 Standards and appliances to be provided.**

The Chief Inspector shall provide each Inspector with proper standards and appliances by which all pressure-gauges can at any time be compared and tested, and with all other appliances necessary for carrying into effect the succeeding sections of this Act relating to boilers, and shall from time to time issue to each Inspector such instructions (not inconsistent with this Act or any regulations made hereunder) as he thinks fit.

**18 Record of first inspection.**

- (1.) On the first inspection of a boiler the Inspector shall make and keep a complete record of all particulars necessary to ascertain the state and condition thereof.
- (2.) Such record shall contain particulars respecting the nature and construction of the boiler, the name of the maker, the pressure which the boiler is calculated to sustain, the mode of working it, and generally as to the state and condition thereof, and of all appliances used in connection therewith, and the fitness thereof for the particular purpose to which it is applied.

**19 Subsequent inspections.**

- (1.) On each subsequent inspection of a boiler the Inspector shall carefully make a comparison with such standards as aforesaid, and shall record any changes since the previous inspection.
- (2.) If any change or alteration has been made in such boiler, or any repairs effected therein, he shall duly record the same in such manner as is prescribed by regulations made hereunder.
- (3.) If no change, or no material change, has occurred in the state and condition of such boiler, he shall also record the fact in manner aforesaid.

**20 Inspectors' record- books.**

- (1.) Each Inspector shall be supplied with a record-book, to be kept by him in such manner as is prescribed by regulations.

- (2.) Such book shall be open to inspection, without charge, by any person, at the office of the Inspector of Machinery for the district, or other convenient place in the district appointed from time to time for that purpose by the Minister; but no person other than an owner of the particular boiler shall be entitled to an extract or copy of any entry affecting such boiler.
- (3.) Every Inspector who fails to keep such record-book in the manner required is liable to a penalty not exceeding one hundred pounds and not less than twenty pounds, and in addition to forfeit his office.

## **21 When boilers to be inspected.**

All boilers shall be inspected at least once in every year, or oftener, as occasion requires:

Provided that the Governor may, on such conditions and restrictions as he thinks fit, direct that any class of boilers shall only be inspected once in every two years; but this provision shall not restrict or prohibit inspection if the certificate granted in respect of any boiler of such class is for a less period than two years.

## **22 May be inspected at any reasonable time.**

Inspection of boilers may be made at any time in the day- time at all reasonable hours, and so as not unnecessarily to impede the working or use of any boiler, unless the Inspector sees fit to exercise the powers hereinafter conferred upon him.

## **23 Notice to owner of faulty boiler.**

- (1.) If upon inspection it appears to the Inspector that any boiler is unsafe, or that it would be dangerous to life or property if it were to continue to be used in its then state, he may give to the owner a notice in the form numbered (2) in the Second Schedule hereto, requiring him—
  - (a.) To wholly desist from working or using the boiler, from a period to be fixed in such notice, until certain repairs or alterations stated in the notice have been effected; or
  - (b.) To desist from working or using such boiler, from such a period as aforesaid, at a greater pressure than that stated in such notice, until any repairs or alterations mentioned in such notice have been effected.
- (2.) Every person to or upon whom any such notice has been delivered or served as hereinafter provided who fails, during the period specified by the Inspector in such notice, to desist from working such boiler, according to the exigency of the notice, is liable to a penalty not exceeding one hundred pounds and not less than twenty pounds.

**24 Owner to notify Inspector of repairs.**

- (1.) Where the owner has effected any repairs to a boiler, or has added to or taken away from a boiler any fittings or appliances, or in any manner altered the construction thereof, he shall forthwith give notice thereof to the Inspector of the district.
- (2.) Every person who fails to comply with the provisions of this section is liable to a penalty not exceeding twenty pounds.
- (3.) This section does not apply to cases where repairs have been effected in accordance with a notice to effect repairs given by any Inspector under the powers hereinbefore contained.

**25 Increasing pressure in boiler.**

- (1.) Every person who by any means knowingly does anything to increase or that tends to increase the pressure in a boiler beyond that stated in the certificate granted by an Inspector and then in force, and every person who aids or abets in increasing the pressure as aforesaid, or procures such pressure to be increased, commits an offence.
- (2.) The person in charge of a boiler at the time such increased pressure is discovered, or who, finding the same in a state of increased pressure, allows the same to continue at such increased pressure, shall be deemed *pristinâ facie* to have committed an offence within the meaning of this section.

**26 Inspectors' reports.**

Each Inspector shall, twice at least in every month, prepare and forward to the Chief Inspector a full and true abstract or return of all boilers inspected by him during the preceding fourteen days; and such abstract shall contain all such particulars and be in such form as is from time to time prescribed by regulations under this Act.

*Fees for Inspection***27 Fees for inspection.**

There shall be paid to each Inspector on behalf of His Majesty, or to such other person as may be prescribed by regulations under this Act, on making an inspection of machinery or of a boiler, or before grant of any certificate as hereinafter provided, such fees (not exceeding those prescribed in the Third Schedule hereto) as the Governor from time to time, by warrant duly gazetted, determines.

**28 Inspector receiving excessive fee.**

- (1.) No Inspector shall make any charge for any inspection over and above the amount prescribed for the time being in respect of the kind of boiler or machinery for the inspection of which the same respectively is payable.

- (2.) Every Inspector who knowingly accepts or charges any fee or receives any sum of money over and above the charges allowed by law is liable to a penalty not exceeding fifty pounds, and, in addition, to forfeit his office.

### *Certificates of Inspection*

#### **29 Certificate of inspection.**

Where an Inspector has inspected any boiler, or machinery, and is satisfied—

- (1.) In the case of a boiler, that the same is in good repair and may be safely used for the purpose for which it is their used; or
- (2.) In the case of any other machinery, that the same is securely fenced and guarded, and is also in good repair and may be safely used for the purpose for which it is then used,—

he shall report to the Chief Inspector accordingly, who shall thereupon, and on payment of the prescribed fee, cause to be granted and issued to the owner thereof a certificate in one of the forms numbered (3), (4), and (5) in the Second Schedule hereto.

#### **30 Certificate to be exhibited in conspicuous place.**

- (1.) The certificate granted to the owner of any machinery or boiler shall be exhibited in some conspicuous place, to be determined by the Inspector, where it can be seen by all persons working at or with any machinery or boiler; and every owner who neglects so to exhibit such certificate is liable to a penalty not exceeding twenty pounds.
- (2.) In any proceedings under this section it shall be a sufficient defence if the defendant satisfies the Court —
  - (a.) That, owing to the size of the boiler or machinery, the locality where it was working, or other sufficient cause, there was no conspicuous place in which the certificate could reasonably be affixed; and also
  - (b.) That at all reasonable times he kept the certificate available for inspection by all persons working at or with the boiler or machinery, and also by the Inspector and all members of the Police Force.

#### **31 Duration of certificate of boiler.**

- (1.) The certificate granted to the owner of a boiler shall remain in force for any period the Inspector thinks fit, which period shall be stated on the certificate.
- (2.) Such period shall not exceed one year, except in respect of a boiler brought within the provisions of section twenty-one, in which case the certificate may be granted for any period not exceeding two years:

Provided that the Inspector may at any time cancel or suspend any certificate where he deems it necessary in the interests of the public safety so to do.

**32 Of machinery.**

The certificate granted to the owner of machinery shall remain in force for one year, if during that period no material alteration or addition is made in or to the same, and the machinery is at all times kept securely fenced and guarded and in good repair, and fit to be safely used for the purpose for which it is used:

Provided that in the case of machinery used solely for threshing, chaff-cutting, or crushing grain, and not worked for more than six months in any one year, the certificate shall remain in force for two years.

**33 Working without a certificate.**

- (1.) Every owner who works or uses a boiler or machinery in respect of which a certificate has not been issued, or for which a certificate is not in force, is liable to a penalty not exceeding one hundred pounds.
- (2.) Proceedings for a breach of this section shall not be commenced or prosecuted except by an Inspector or a person holding the written consent of an Inspector first obtained.

*Duties and Liabilities of Owners of Boilers and Machinery***34 Notice of sale, &c., of boiler or machinery.**

- (1.) Where a person sells or absolutely disposes of a boiler or machinery to any person the seller shall forthwith give notice to the Inspector, stating the name, occupation, and abode of the person to whom such sale or disposition has been made.
- (2.) Where a boiler or machinery is let on hire, or for a certain term, or to be returned to the owner, a similar notice shall in every such case be given to the Inspector by the lessor or owner in manner aforesaid.
- (3.) If default is made in giving any such notice the person offending is liable to a penalty not exceeding ten pounds.

**35 Liability of owner in first instance.**

- (1.) The owner of a boiler or machinery in respect of which an offence has been committed against this Act, and for which a penalty may be imposed, shall in every case (save as hereinafter provided) be deemed in the first instance to have committed the offence and be liable to pay the penalty; but an owner who has been proceeded against by an Inspector is entitled, upon complaint or information duly made by such owner, to have any agent, servant, or workman brought before the Court at the time appointed for hearing the complaint made against him by the Inspector.
- (2.) If, after the commission of the offence has been proved, the owner proves to the satisfaction of the Court that he had used due diligence to enforce the execution of this Act, and that the said agent, servant, or workman had committed the act in question without his knowledge, consent, or connivance,

the said agent, servant, or workman shall be convicted of the offence and shall pay the penalty instead of the owner.

**36 Proceedings against actual offender.**

Where it appears to an Inspector at the time of discovering the offence that the owner had used all due diligence to enforce the execution of this Act, and also by what person the offence was committed, and that it had been committed without the personal knowledge, consent, or connivance of the owner, and in contravention of his orders, then the Inspector may proceed against the person whom he believes to be the actual offender in the first instance, without first proceeding against the owner.

**37 Notice of intention to prosecute.**

Where an Inspector intends to prefer a complaint against an owner of machinery that a young person has been employed in the management or in the working or control thereof, as the case may be, or that any part of the machinery, or hoist, or any wheel-race, is not securely fenced and protected, he shall give ten days' notice previous to the day fixed for hearing the complaint; and if the party complained against intends to bring forward any person skilled in the construction of the machinery as a witness at the hearing of the case he shall give notice of such intention to the Inspector at least forty-eight hours prior to the hearing of the case.

**38 When owners and mortgagees not liable.**

- (1.) No person shall be liable to the provisions of this Act as an owner of machinery or a boiler unless the same is under his immediate power or control; nor shall any mortgagee of machinery or a boiler be liable as hereinbefore mentioned unless he is in actual possession thereof, or has the same under his immediate power or control.
- (2.) For the purposes of this section the words "immediate power or control" mean where the machinery or boiler is worked or used by the owner of such machinery personally, or by his agents, servants, or others, under his orders or directions, and for his benefit or profit.
- (3.) Nothing herein shall exempt any corporate body from liability under this Act by reason only that any such machinery or boiler is under the control of any directors, secretary, manager, or other person elected or employed by such corporate body for the benefit of or on behalf of such body.

*Inquiries as to Accidents*

**39 Inspector to be notified of accident.**

- (1.) Where loss of life or serious bodily injury to any person by reason of the explosion of a boiler, or by reason of an accident caused by machinery, occurs in any building or premises where there is a boiler or machinery of any

kind (whether subject to the provisions of this Act or not), the owner of the boiler or machinery shall within twenty-four hours thereafter send notice to the Inspector at his office or usual place of residence, specifying the cause of the accident.

- (2.) Every owner who neglects to send such notice as aforesaid is liable to a penalty not exceeding twenty pounds and not less than ten pounds.

#### **40 Inquiry into cause of accident.**

- (1.) In the event of an accident happening to machinery or a boiler (whether such machinery or boiler comes under the provisions of this Act or not), or where, by reason of such accident, any loss of life has happened or serious bodily injury occurred to any person, the Minister may direct an inquiry to be held before a Stipendiary Magistrate, together with a person skilled in the use and construction of such machinery or boiler to be appointed by the Minister.
- (2.) The Magistrate, together with such person, shall have power to hold such inquiry at such times and places as the Minister appoints, and shall report on the cause of such accident to the Minister.
- (3.) With respect to the summoning and attendance of witnesses at or upon any such inquiry, and the examination of such witnesses upon oath, every such Magistrate shall have all the powers which he would have or might exercise in any case within his ordinary jurisdiction under "The Justices of the Peace Act, 1882."

#### *Examination and Certificates of Engine-drivers*

#### **41 Drivers of winding-engines and travelling engines.**

- (1.) Every person employed or acting in the capacity of engine-driver who is in charge of any winding-engine or winding machinery by means whereof persons are drawn up, down, or along any shaft, pit, or inclined plane or level in any mine or coal-mine shall be the holder of a winding-engine driver's certificate.
- (2.) Every such person who is in charge of an engine while being propelled or moved from place to place by its own motive power and machinery (exclusive only of engines and boilers used or employed in the working of any railway the property of His Majesty) shall be the holder of a locomotive- and traction-engine driver's certificate.
- (3.) For the purposes of this section every such person shall pass an examination and obtain from the Board of Examiners appointed under this Act a certificate of competency as to his possessing the necessary knowledge and requirements as to the working of such engine or machinery.
- (4.) The holder of a certificate under subsection one of this section shall be deemed to be the holder of a certificate under subsection two, and the holder of any

certificate under this section shall be deemed to be the holder of a second-class certificate under section forty-two hereof.

#### **42 Drivers of stationary engines and boilers.**

- (1.) Every person employed or acting in the capacity of engine-driver in charge of any steam stationary engine (other than a winding-engine as aforesaid) and boiler, or of any steam-boiler with no machinery attached thereto, whether such engine or boiler is on land or on a vessel, shall hold an engine-driver's certificate under this Act.
- (2.) Such certificates shall be by examination, and shall be of two grades, to be called first-class and second-class engine-drivers' certificates respectively: Provided that the holder of a first-class engine-driver's certificate who has worked as an apprentice for at least five years in a workshop where engines are manufactured or repaired, or where work of a similar character is performed, shall be entitled after examination to receive a certificate to be called an "extra-first-class certificate," in which the holder thereof shall be designated "an engineer."
- (3.) An extra-first-class or a first-class certificate entitles the holder thereof to drive and have charge of any steam stationary engine and its boilers.
- (4.) A second-class certificate entitles the holder thereof to drive and have charge of any steam stationary engine the area of cylinder or combined area of cylinders of which does not exceed two hundred circular inches, and of its boilers.
- (5.) A certificate of any class entitles the holder thereof to have charge of any boiler to which no machinery is attached.
- (6.) This section shall not apply to an engine the area of cylinder or combined area of cylinders of which does not exceed one hundred and forty-four circular inches, or a boiler of fifteen-horse power or under, or to any engine or boiler forming part of the propelling machinery of any ship.

#### **43 Certain engineers deemed qualified under this Act.**

For the purposes of the last preceding section,—

- (1.) The holder of a first-class engineer's certificate issued under "The Shipping and Seamens Act, 1877," shall be deemed to be the holder of an extra-first-class certificate under that section.
- (2.) The holder of a second-class engineer's certificate issued under "The Shipping and Seamens Act, 1877," shall be deemed to be the holder of a first-class certificate under the said section.
- (3.) The holder of a third-class or river engineer's certificate issued under "The Shipping and Seamens Act, 1877," shall be deemed to be the holder of a second-class certificate under the said section.

**44 Provision for gold-dredges.**

Where a gold-dredge is worked in shifts there shall be a person in general charge of the engine who is the holder of a certificate as required by this Act, and every other person in charge during any shift shall be the holder of a second-class certificate, or one of a superior grade.

**45 Holders of marine, &c., certificates.**

The Board may grant a certificate of the appropriate class, and without examination, to the holder of a certificate either of a third-class marine engineer, or a river engineer, or a marine-engine driver, or driver of a winding-engine, upon the production of satisfactory evidence that the holder thereof has for not less than twelve months been in charge of an engine, either on land or afloat, with cylinders of the area prescribed for such class:

Provided that a restricted second-class certificate of service may be granted to any person who applies for the same before the first day of January, one thousand nine hundred and three, if he has been in charge of a boiler of not less than ten-horse power for a period of not less than two years, but such certificate shall qualify the holder thereof to act only on a gold-dredge where a second-class certificated engine-driver is authorised by his certificate to be employed or in charge of a stationary boiler.

**46 Certificates of service to firemen.**

The Board may grant a second-class certificate of service, without examination, to any person of good repute who, not later than the thirty-first day of March, one thousand nine hundred and three, applies for the same, and produces a satisfactory testimonial from his employer or former employer of his having been actually employed for a period of not less than one year as a fireman on a steamship where one engineer only is employed: Provided that the cylinder or cylinders of the engines of such steamship are not less than one hundred and forty-four circular inches in area, and the boiler not less than fifteen-horse power.

**47 Certain holders of second-class certificates entitled to be examined for first class.**

Notwithstanding anything in this Act, any person who has for not less than three years been in charge of an engine the cylinder of which exceeds in area one hundred and forty-four circular inches shall, after having received a second-class certificate, be entitled to be examined for a first-class certificate under this Act.

**48 Examinations.**

- (1.) All examinations for engine-drivers under "The Mining Act, 1898," "The Coal-mines Act, 1891," or this Act shall be conducted by a Board consisting

of the Chief Inspector of Machinery and the Inspecting Engineer of the Mines Department.

- (2.) The Minister may from time to time appoint any fit person to be a member of the Board; but any person so appointed shall only act while the Chief Inspector of Machinery or the Inspecting Engineer of the Mines Department is absent from Wellington, or is unable to attend the meeting of the Board, and the fact of any person so appointed acting as a member of the Board is sufficient evidence of his authority so to do.
- (3.) All applications for examination shall be forwarded to the Chief Inspector of Machinery, at Wellington, accompanied with the prescribed fee, and, in the case of applications from engine- drivers in charge of any winding machinery used for raising and lowering men in a shaft of a mine or coal-mine, shall be accompanied also with a testimonial from his employer that the applicant has been working under a certificated engine-driver at such engine or machinery for a period of six months, or that he has served for one month working winding machinery under a certificated engine-driver: Provided in the latter case that the applicant shall not be entitled to a certificate unless he—
  - (a.) Is the possessor of a sea-going engineer's certificate, or
  - (b.) Has served for three years fitting and erecting machinery, or
  - (c.) Is the possessor of a traction- and locomotive-engine driver's certificate, or
  - (d.) Has had charge of a land boiler and machinery (including traction and locomotive engines) for two years.
- (4.) On an applicant passing the prescribed examination the Board shall issue a certificate of the appropriate class, to be called an "engine-drivers certificate," and, in the case of a person in charge of winding machinery as aforesaid, such certificate shall state on the face of it whether it is granted in respect of steam winding machinery or hydraulic winding machinery.
- (5.) An Inspector of Machinery may, with the approval of the Board, on occasions as he thinks fit, examine any applicant for a second-class certificate, or for a winding-engine or locomotive- and traction-engine certificate, orally as to his qualifications for a certificate as an engine-driver, and the oral examination may be accepted by the Board on the report of the Inspector in lieu of a written examination.
- (6.) The Board may grant or refuse a certificate upon any grounds it deems advisable.

#### **49 Certificates from beyond colony recognised.**

On payment of the prescribed fee the Board may, without examination, grant any certificate required by this Act to any person of good repute who satisfies the Board that he is the holder of a corresponding certificate of equal status,

granted after examination by any duly constituted and recognised authority outside the colony.

**50 Disqualification of holder of certificate**

Where it appears to the Board that the holder of a certificate under this Act is guilty of any offence or misconduct which would render him unfit to be trusted to efficiently perform his duties as such holder, the Board may call upon him to show cause why he should not be disqualified, and if he fails to show cause the Board may report the matter to the Minister, who, by notice in the *Gazette*, may disqualify him for such period as he thinks fit, and during the period of disqualification he shall be deemed not to be the holder of such certificate.

**51 Acting without certificate.**

Every person who acts in the capacity of engine-driver in charge of any steam stationary engine or its boiler, or of a boiler which has no machinery attached thereto, without a proper certificate, where a certificated driver is by law required, and every person who employs such uncertificated driver or person so in charge as aforesaid, is liable to a penalty not exceeding five pounds for every day or part of a day during which he so acts.

**52 Obtaining certificate improperly.**

- (1.) Every person who obtains or attempts to obtain any certificate under this Act by fraud, and every person who gives to any person any false testimonial as to service, is liable to a penalty not exceeding twenty pounds.
- (2.) Every certificate improperly obtained, whether obtained before or after the passing of this Act, may be cancelled by the Board; and the holder thereof shall, when called upon by the Board, return such certificate.
- (3.) Every person who uses any such certificate, after notice by the Board that the same has been cancelled, is liable to a penalty not exceeding twenty pounds.

**53 Motor cars excepted.**

- (1.) The provisions of this Act relating to the employment of certificated engine-drivers shall not apply to motor cars unless the same are used for hire, either to carry passengers or goods or for haulage.
- (2.) For the purposes of this section, "motor car" means any vehicle propelled by mechanical power if it does not exceed three tons in weight unladen, and is so constructed that no smoke is emitted therefrom except from any temporary or accidental cause, whether such vehicle is used alone or in order to propel not more than one other vehicle, whose weight together with that of the propelling vehicle does not exceed four tons unladen:

Provided that in calculating any such weight the weight of any water, fuel, or accumulators used for the purpose of propulsion shall not be included.

*Miscellaneous***54 Protection of Inspectors.**

Part IV. of "The Justices of the Peace Act, 1882," shall, so far as applicable, extend to protect Inspectors under this Act in the execution of their duties.

**55 Power to enter and inspect certificates.**

Any person appointed by the Minister may enter upon any premises in which machinery is working and inspect the certificate in respect of the machinery and boiler respectively, and the certificate of the person in charge of an engine or boiler.

**56 Responsibility owners, &c., maintained.**

Nothing in this Act, or in any certificate granted under its provisions, shall relieve any owner of the machinery or boiler from liability to any action or suit, or from liability to any civil or criminal proceeding; but all rights of parties and all liabilities of owners of boilers or machinery, or of any other person or persons in respect thereof, shall remain unaffected by this Act.

**57 Service of notices, &c.**

Where a notice, summons, or other process is required to be served upon any owner under the provisions hereof, service on the manager, foreman, conductor, or agent of such owner shall be good and lawful service.

**58 General penalty.**

Every person who wilfully contravenes any provision of this Act for which no other penalty is imposed is liable for each offence to a penalty not exceeding ten pounds.

**59 Application of part of penalty to person injured.**

Any Magistrate or Justices imposing any penalty under this Act may, if he or they think fit, direct that a part not exceeding one moiety thereof shall be applied to compensate any person for any bodily injury or damage sustained by him by reason of the default in respect of which such penalty is imposed.

**60 Expenses of administration.**

All moneys paid to Inspectors by way of salary, and all the costs and charges of carrying this Act into execution, shall be paid out of moneys appropriated for that purpose from time to time by Parliament, and all fees and, subject to the last preceding section, all penalties received under this Act shall be paid into the Public Account and form part of the Consolidated Fund.

**61 No certiorari.**

A summary conviction or adjudication under this Act, or an adjudication made on appeal therefrom, shall not be quashed for want of form, or be removed into the Supreme Court by *certiorari*.

**62 Regulations.**

The Governor may from time to time, by Order in Council gazetted, make regulations not inconsistent with this Act —

- (1.) Regulating the duties of the Chief Inspector and of Inspectors:
- (2.) Prescribing the forms of notices to be given under this Act in any case where the same are not herein provided for:
- (3.) Prescribing a form of record-book, to be kept for the entry of particulars as to inspection of boilers, and the mode in which the same shall be kept, and at what places and times the same shall be open to inspection:
- (4.) Prescribing the time and place in each district at which fees shall be paid to an Inspector, or to some other officer or person other than an Inspector:
- (5.) Regulating the examinations for certificates, and prescribing the fees to be paid by applicants for certificates, and the forms of such certificates:
- (6.) Prescribing how and under what circumstances engines used for agricultural or dairy purposes only may be driven by uncertificated persons: and
- (7.) Generally for carrying this Act into execution.

**63 Act not to extend to certain machinery, &c.**

Nothing in this Act shall apply to or affect any engines, boilers, or machinery used on or employed in the working of any railway or other public work constructed on behalf of His Majesty the King or the Government of the colony under the authority of any Act; nor shall this Act prejudice or in any way interfere with the powers of inspection and regulation of steamships, and the machinery thereof, contained in “The Shipping and Seamens Act, 1877.”

**64 Repeals.**

*Savings.*

The Acts specified in the Fourth Schedule hereto are hereby repealed: Provided that—

- (1.) All officers appointed under the repealed Acts, and in office at the time of the repeal, shall be deemed to be appointed under this Act.
- (2.) All regulations, orders, and notifications made under the repealed Acts, and in force at the time of the repeal, shall be deemed to have been made under this Act.
- (3.) All certificates granted under the repealed Acts, and in force or use at the time of the repeal, shall continue in force and use for the purposes of this Act.

- (4.) All proceedings in respect of offences under the repealed Acts may be instituted, prosecuted, and completed thereunder in like manner in all respects as if those Acts were not repealed.

**SCHEDULES****FIRST SCHEDULE****Machinery to which Act applies**

Section 10

## Form

All machinery worked by steam or water power, or by electricity, gas, or gaseous products, or compressed air, or in any other manner (other than by hand or machinery driven by animal power) in which motive power may be obtained, and used in printing, knitting, flax-milling, flour-milling, sawmilling, sheep-shearing, bone-crushing, rock-crushing, quartz-crushing, pumping, preserving, weight-raising, chaff-cutting, cloth-mills, woollen-mills, batteries, foundries, brewers, or in any other manufacturing or industrial process.

## SECOND SCHEDULE

Sections 14, 23, 29

### Form

#### (1.) Notice to Owner that Machinery is Dangerous

Under "The Inspection of Machinery Act, 1902."

To [*Name of owner*], of .

I hereby give you notice that the following parts of the [*Here name and describe the machine and the parts requiring to be guarded*] in your possession at appear to me to be dangerous, and likely to cause bodily injury to persons working or employed therewith, and I am of opinion that the same ought to be securely fenced by [*Here describe how the protection should be made*].

Dated this        day of        , 19        .

A.B.,

Inspector of Machinery for the        District.

### Form

#### (2.) Notice to Owner that Boiler is Dangerous

Under "The Inspection of Machinery Act, 1902."

To [*Name of owner*], of

I hereby give you notice that I have this day inspected a boiler attached to [*Here describe boiler*], and that the same appears to me to be dangerous, and to require repairs [*or is in such a dangerous state that it is unsafe to life and property to use the same*]. You are therefore hereby required to cause repairs to be effected in such boiler in the following particulars [*Here specify repairs to be effected*]. And you are hereby further required, within [*Here state period fixed*] from the time this notice is served on you, and until such repairs shall be effected, to wholly desist from using or suffering the said boiler to be used [*Or, if it is to be partially used, state particulars fully*].

Dated this        day of        , 19        .

A.B.,

Inspector of Machinery for the District.

Form

(3.) Certificate for Boiler

“The Inspection of Machinery Act, 1902.”

No of Certificate . Official No.

Name and address of owner:

Description of boiler:

Purpose for which used:

Where to be used:

Maker's name and number:

Pressure: pounds per square inch.

Date of inspection: , 19 .

This is to certify that I have inspected the boiler above mentioned on the date set forth, and consider the same is in good repair, and fit to be used for the purpose stated until the day of , 19 , and that , certificated engine-driver, is required to be in charge.

Dated this day of , 19 .

A.B.,

Inspector of Machinery for the District.

Form

(4.) Certificate for Machinery not Driven from a Steam-boiler

“The Inspection of Machinery Act, 1902.”

No of Certificate . Official No.

THIS is to certify that I have inspected the machinery mentioned at the foot hereof, and consider the same is properly fenced and protected, and fit to be used for the purpose stated below until the day of , 19 .

Dated this day of , 19 .

A.B.,

Inspector of Machinery for the District.

*Particulars relating to the Machinery*

Name and address of owner:

Description of the machinery:

Purpose for which used:

Where to be used:

Maker's name and number:

Form

(5.) Certificate for Machinery Attached to Steam-boiler

“The Inspection of Machinery Act, 1902.”

No of Certificate . Official No.

This is to certify that I have inspected all machinery on the premises of , at , and consider that the same is properly fenced, guarded, and in good repair, and may be used for the purpose for which it is now used.

Dated this day of , 19 .

A.B.,

Inspector of Machinery for the District.

### THIRD SCHEDULE

#### Fees payable on Inspection of Machinery

Section 27

The amount specified in the first column is the amount of the fee; the amount specified in the second column is the sum which may be accepted in satisfaction of the fee, provided such sum is paid and the certificate in respect thereof is taken up within one month after the date of notice that such certificate is ready for issue.

In respect of	£	Fee.		£	Abated Sum.	
		s.	d.		s.	d.
boilers and digesters—						
For every digester having a capacity of over 12 cubic feet	0	15	0	0	10	0
For every boiler working up to 5-horse power	0	15	0	0	10	0
For every boiler working over 5- and up to 10-horse power	1	10	0	1	0	0
For every boiler working over 10-horse power	2	5	0	2	0	0
Provided that where more than one boiler is connected with any machinery the maximum fees shall not exceed—						
For each series of five connected boilers	5	0	0	4	0	0
In respect of machinery not having boilers						

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connected  
therewith—

For every hydraulic or other lift	0	10	0	0	5	0
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For any other machine or machinery worked otherwise than by hand	0	5	0	0	2	6
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Provided that no fee shall be payable on any Pelton or turbine wheel not exceeding 5-horse nominal power.

**FOURTH SCHEDULE****Acts repealed**

Section 64

1882, No. 59.—“The Inspection of Machinery Act, 1882.”

1883, No. 12.—“The Inspection of Machinery Extension Act, 1883.”

1894, No. 25.—“The Inspection of Machinery Amendment Act, 1894.”

1896, No. 32.—“The Inspection of Machinery Act Amendment Act, 1896.”

1898, No. 19.—“The Inspection of Machinery Acts Amendment Act, 1898.”

1900, No. 22.—“The Inspection of Machinery Act Amendment Act, 1900.”

1901, No. 32.—“The Inspection of Machinery Act, 1901.”