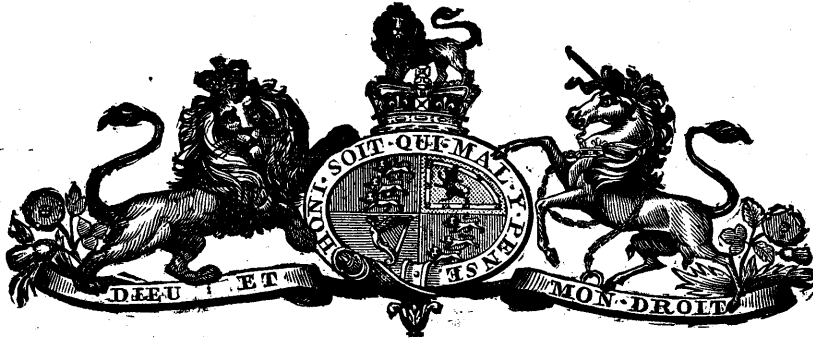


NEW ZEALAND.



TRICESIMO OCTAVO

VICTORIÆ REGINÆ.

No. LXI.

ANALYSIS.

- Title.
1. Short Title.
2. Interpretation.

PART I.

HOW ACT MAY BE BROUGHT INTO OPERATION.

3. Act to be brought into force on request of Superintendents.
4. Governor may define districts.

PART II.

INSPECTORS AND THEIR DUTIES.

5. Governor may appoint Chief Inspector and Inspectors.
6. Governor may make regulations for examination of Inspectors, &c. Certificates of competency.
7. Inspectors to be furnished with certificates of appointment.
8. Penalty for using false certificate or pretending to be an Inspector.
9. Powers and duties of Chief Inspector. Duties of Inspectors.

PART III.

INSPECTION OF MACHINERY GENERALLY.

10. What to be deemed machinery for purposes of this Act.
11. Persons possessing machinery to send notice to Inspector.
12. Children and young persons not to be employed in certain cases.
13. Young persons not to be allowed to clean machinery in motion.
14. Certain parts of machinery to be fenced and guarded.
15. Three preceding sections to apply to all classes of machinery.
16. Powers and duties of Inspectors.
17. Penalty for obstructing Inspectors.
18. Inspector to give notice that part of machinery is dangerous.

19. Procedure thereon.
20. Period within which machinery to be fenced.

PART IV.

PROVISIONS SPECIALLY AFFECTING STEAM BOILERS.

- Provisions of Part III. applicable to inspection of boilers.
21. Chief Inspector to provide Inspectors with standards, and give instructions.
22. Procedure on first inspection of boilers.
23. Procedure on subsequent inspection.
24. Inspector to keep records.
25. Penalty on Inspector not keeping records.
26. Twice a year, a general abstract and report to be furnished by Inspectors.
27. Inspection may be made at any reasonable time.
28. Power to Inspector to give notice requiring owner to desist using boiler, either wholly or partially. Penalty on disobeying notice.
29. Provisions of sections 18, 19, and 20 to be applicable to cases in last preceding section.
30. Owner effecting repairs in or altering boiler to give notice to Inspector.

PART V.

PROVISIONS AFFECTING ALL BOILERS AND MACHINERY.

31. Fees for inspection.
32. Penalty for receiving excessive fee.
33. How notices may be served.
34. Inspector to give owners of boilers or machinery a certificate that same has been inspected.
35. Where boiler or machinery is sold, notice to be given to Inspector.
36. Owner liable to penalty in the first instance.
37. Owners and mortgagees, when not liable to Act.
38. Actual offender may be proceeded against in certain cases.
39. Inspector to give notice of intention to prefer complaint.
40. Notice of every accident to be sent to Inspector.
41. Protection of Inspectors.

Inspection of Machinery.

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| <p>42. Penalties to be recovered in a summary way.</p> <p>43. Justices may allow certain proportion of penalty to any person injured.</p> <p>44. Expenses of carrying Acts into effect to be paid out of moneys specially appropriated.</p> <p>45. No <i>certiorari</i>.</p> <p>46. Delegation of powers.</p> | <p>47. Governor in Council may make regulations for certain purposes.</p> <p>48. Act not to extend to engines or machinery on railways under control of Government, nor to steam vessels or machinery of such vessels.</p> <p>Schedules.</p> |
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Title.

AN ACT to provide for the Inspection and Regulation of certain kinds of Machinery in the Colony of New Zealand. [31st August, 1874.]

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

Short Title.

1. The Short Title of this Act shall be "The Inspection of Machinery Act, 1874;" and it shall only be brought into operation in such manner and in such parts of the colony as hereinafter is provided.

Interpretation.

2. In the construction of this Act, the following terms and expressions shall have the meanings hereinafter assigned to them, unless the same shall be repugnant to the context or subject-matter hereof, that is to say,—

"Province" shall mean any province in the colony.

"Superintendent" shall mean the Superintendent of any province; and where by Act or Ordinance of any province it is provided that the Superintendent shall act only with the advice of his Executive Council, the term "Superintendent" shall include such Executive Council.

"District" shall mean any district for which an Inspector has been appointed under this Act.

"Inspector" shall mean any person appointed to be an Inspector of Machinery under this Act, acting within any district for which he shall be appointed.

"Machinery" shall mean and include 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 hand, or in any other manner, of such kinds as by this Act are declared to be or may be hereafter declared to be subject to the provisions hereof.

"Boiler," "steam boiler," shall respectively mean and include any boiler or vessel in which or by means of which steam is generated or used, for the purpose of working any machinery, as such term is hereinbefore defined.

"Owner" shall mean and include as well the owner of any machinery as also the mortgagee or lessee of any such machinery, and any engineer overseer foreman agent or person in charge or having the control or management of any such boiler or machinery.

"Building" shall mean any manufactory mill shop shed or other place or building in which any machinery may be erected, or where the same may be kept used worked or be in operation.

"Premises" shall mean and include any yard place house or buildings, and any farm paddock field road or place, in which any machinery may be kept worked used or be in operation.

Inspection of Machinery.

“Child” shall mean a person of either sex under the age of ten years.

This Act shall be divided into Parts as follows:—

PART I.—How Act may be brought into operation.

PART II.—Inspectors and their duties.

PART III.—Inspection of Machinery generally.

PART IV.—Provisions specially affecting Steam Boilers.

PART V.—Provisions affecting all Boilers and Machinery.

PART I.

HOW ACT MAY BE BROUGHT INTO OPERATION.

3. It shall be lawful for the Governor, on the request of the Superintendent of any province, to bring this Act into operation in any such province or any part thereof, to be defined as a district under the powers hereinafter contained; and upon a Proclamation being made by the Governor in the *New Zealand Gazette* to that effect, this Act shall be in force within such province or part thereof to be defined as aforesaid, as the case may be.

Act to be brought into force on request of Superintendents.

4. Upon any such request as aforesaid, it shall be lawful for the Governor, by Proclamation in the *New Zealand Gazette*, from time to time to define and describe one or more districts within any such province, with such boundaries as the Superintendent may think convenient, and the Governor may from time to time alter the boundaries of districts formed or hereafter to be formed under this Act, and in and by any such Proclamation he may assign to any such district a name by which it shall be called or known for the purposes of this Act.

Governor may define districts.

PART II.

INSPECTORS AND THEIR DUTIES.

5. The Governor may from time to time appoint one person to be Chief Inspector of Machinery, and for each district constituted as aforesaid one or more persons to be Inspectors of Machinery, and any such person or persons may remove from office; and in case of the death resignation or dismissal from office of any such person or persons, another or others in his place to appoint as occasion may require: Provided that any person may be appointed Inspector for two or more districts if the Governor shall think fit.

Governor may appoint Chief Inspector and Inspectors.

6. The Governor may from time to time make regulations for the examination of persons desirous of being appointed Inspectors of Machinery under this Act, and may thereby prescribe the subjects and mode of such examination, and from time to time may prescribe the times and places where such examination shall be conducted. Such regulations may provide for the grant and issue to persons who may satisfactorily pass such examination of certificates of competency, in such form as the Governor shall think fit.

Governor may make regulations for examination of Inspectors, &c.

Certificates of competency.

7. Every Inspector shall be furnished with a certificate in writing under the hand of the Colonial Secretary to the effect that such Inspector has been appointed to be Inspector of Machinery for the district named therein; and on his entering upon any place or premises or into any building for any of the purposes in this Act mentioned, he shall, if required, produce the said certificate to the owner occupier or person in charge.

Inspectors to be furnished with certificates of appointment.

Inspection of Machinery.

Penalty for using false certificate or pretending to be an Inspector.

8. 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, shall be guilty of a misdemeanour, and be liable to be imprisoned for any period not exceeding three months, with or without hard labour.

Powers and duties of Chief Inspector.

9. The Chief Inspector shall in every district proclaimed under this Act have within such district all the powers of an Inspector in such district, and he may exercise the same either in conjunction with any such Inspector or alone; and once at least in every year the Chief Inspector shall visit every district, and shall make a full report thereon to the Colonial Secretary for the information of the Governor, and shall therein give such particulars and information as he may think fit or as the Governor may require. Every Inspector shall have an office in such town or part of his district as the Governor may from time to time require or direct, and he shall keep full minutes of all his visits and proceedings, and shall at least twice in every year, or oftener if so required, report the same to the Chief Inspector, and in such report shall be contained such particulars and information as the Chief Inspector may from time to time require such Inspector to furnish.

Duties of Inspectors.

PART III.

INSPECTION OF MACHINERY GENERALLY.

What to be deemed machinery for purposes of this Act.

10. Upon this Act being brought into operation in any province or part of a province, 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: And the Governor, by Order in Council published in the *New Zealand Gazette*, may from time to time declare that any other kinds of machinery shall be machinery 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 deemed to be machinery subject to the provisions of this Act.

Persons possessing machinery to send notice to Inspector.

11. Upon this Act being brought into operation in any province or part of a province, any person who may be the owner of any machinery declared to be subject to the provisions of this Act shall within one month thereafter send to the Inspector of the district where the same may be, or in which it is intended to use keep or work the same, a written notice stating the name of such owner, the place or town where such machinery is erected kept or is intended to be used, the nature and kind of machinery, the nature and amount of the moving power; and in default of his so doing, every such person shall be liable to a penalty not exceeding ten pounds.

Whenever any machinery shall become subject to the provisions of this Act as is hereinbefore provided, 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, and in default thereof shall be liable to the like penalty thereby imposed.

Children and young persons not to be employed in certain cases.

12. No child shall be employed in working or assisting to work at or with any machinery, and no such machinery worked or propelled by steam power 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. In case of a breach of any of the provisions of this section, the owner of any such machinery shall be liable to a penalty of not less than five pounds nor more than twenty pounds.

Inspection of Machinery.

13. No young person under the age of fifteen years shall be allowed to clean any part of the gearing of any machinery while the same is in motion; and no such person shall be allowed 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. In case of a breach of any of the provisions of this section, the owner of any such machinery or of any such machine shall be liable to a penalty of not less than five pounds nor more than twenty pounds.

Young persons not to be allowed to clean machinery in motion.

14. 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 hoist or teagle near to which children or young persons are 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. In case of a breach of any of the provisions of this section, the owner of the several parts of the machinery or other mechanical powers herein mentioned shall be liable to a penalty of not less than five pounds nor more than twenty pounds.

Certain parts of machinery to be fenced and guarded.

15. The provisions of the last three preceding sections shall be applicable to machinery of every kind, and to the parts of machinery therein mentioned, whether such machinery is hereby declared to be subject to the provisions of this Act, or may hereafter be declared to be subject thereto, or not: Provided that no such owner shall be liable to the penalty mentioned in the fourteenth section of this Act, if the notice which he shall have received from an Inspector to fence as hereinafter provided shall have been cancelled as by this Act is provided; nor in case it shall be made to appear to the satisfaction of the Justices before whom any complaint on the prosecution for such penalty shall be heard, that it was impossible to fence the several parts of machinery or mechanical powers therein mentioned.

Three preceding sections to apply to all classes of machinery.

16. Every Inspector is hereby empowered to enter into any building place or premises within his district wherein there may be placed or erected any machinery, whether the same may be declared to be subject to the provisions of this Act or not, or into or upon any place or premises where such machinery may be in use or working or may be kept, and 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, and then and there to inspect and examine such machinery, and the appliances connected therewith or belonging thereto, in order that it may be ascertained whether the provisions of this Act have been complied with.

Powers and duties of Inspectors.

In making any such inspection as aforesaid, an Inspector may call to his aid any constable or any person he may think competent to assist therein, and he may require the owner or person in charge of any such machinery to explain the working thereof, and may examine such owner or person as to the compliance with this Act in any particulars.

17. If any person shall wilfully impede any such Inspector in the execution of any part of his duty under this Act, or if any owner or person in charge of any such machine as last aforesaid shall refuse to give such explanation or information as aforesaid, every such person, and all persons aiding or assisting therein, shall for each offence be liable to a penalty of not less than five pounds nor more than twenty pounds.

Penalty for obstructing Inspectors.

Inspection of Machinery.

Inspector to give notice that part of machinery is dangerous.

18. Whenever an Inspector shall be of opinion that any machinery subject to the provisions of this Act, or that any driving strap or band which he shall deem 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 in writing to the owner, specifying the part of the machinery he considers dangerous, according to the form in the Second Schedule to this Act or to the effect thereof, and the owner shall sign a duplicate copy of such notice in acknowledgment of his having received it. And if the owner do not within a period of ten days from the service upon him of such notice comply with the terms thereof, or if he do not within the time limited by the next succeeding section make application in writing for referring the question of fencing the machinery to which the notice refers to arbitration as therein provided, and with the least possible delay appoint an arbitrator for the purpose therein mentioned, he shall forfeit and pay a penalty of not less than ten pounds nor more than fifty pounds.

Procedure thereon.

19. If the owner shall think fit, he may make a written application to the Inspector at any time within seven days after he shall have received such notice as aforesaid, that two arbitrators skilled in the construction of the kind of machinery to which such notice refers shall be appointed, one of whom shall be named by the owner in the said application and the other by the Inspector, with the least possible delay after he shall have received such application, and the arbitrators shall proceed to examine the machinery alleged to be dangerous within fourteen days of the appointment of the arbitrator named by the Inspector; and if the arbitrators so appointed shall not agree in opinion, the said arbitrators shall choose a third arbitrator possessing a similar knowledge of machinery; and if the said arbitrators or any two of them shall sign an opinion in writing, addressed to the Inspector of the district, that it is unnecessary or impossible to fence the machinery or strap or band alleged in the notice to be dangerous, the Inspector, on receipt of the same, shall cancel the said notice; and if the decision of such arbitrators shall be that it is unnecessary or impossible to fence the machinery so alleged to be dangerous, the expenses of such reference shall be paid as other expenses under this Act; but if the decision of the arbitrators shall be that it is necessary and possible to fence the said machinery, then the expenses of the reference shall be paid by the owner, and shall be recoverable as the penalties under this Act are recoverable.

Period within which machinery to be fenced.

20. If the opinion of the arbitrators appointed under the provisions of the last preceding section shall be that it is possible and necessary to fence such machinery, it shall be the duty of the owner forthwith well and securely to fence and protect the same in a proper and substantial manner. And if any such owner shall, for a period of one calendar month after the service upon him in the manner provided by this Act of a notice from the Inspector in the form or to the effect in the Third Schedule hereto, neglect or fail so to fence and protect such machinery, he shall forfeit and pay a penalty not less than twenty pounds nor more than one hundred pounds.

PART IV.

PROVISIONS SPECIALLY AFFECTING STEAM BOILERS.

Provisions of Part III. applicable to inspection of boilers.

And whereas in order to avoid the danger to life and property occasioned by the negligent or improper use of steam boilers, it is expedient that special provision should be made for their inspection: Be it

Inspection of Machinery.

therefore enacted, that whenever this Act shall be in force within any district, 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 preceding Parts of this Act, and all other the provisions of the preceding Parts of this Act, shall, subject to the provisions hereinafter contained, be applicable and may be enforced in carrying this Part of this Act into effect.

21. It shall be the duty of the Chief Inspector to provide each Inspector with proper standards and tables of corrections by which all pressure gauges and salinometers can at any time be compared and tested, and also to provide each such Inspector with all other appliances necessary for carrying this Part of this Act into effect, and from time to time to issue to each Inspector such instructions and directions as he shall think fit: Provided that no such instructions or directions shall be inconsistent with this Act or any regulations made thereunder.

Chief Inspector to provide Inspectors with standards, and give instructions.

22. On the first inspection of any boiler the Inspector shall make and keep a complete record of all particulars which may be necessary to ascertain the state and condition of such boiler, and subject to the instructions to be from time to time given to him. Such record shall contain particulars respecting the nature and construction of the boiler, the name of the maker, the pressure which such boiler is calculated to sustain, the mode of working the same, 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.

Procedure on first inspection of boilers.

23. On each subsequent occasion on which he shall inspect any boiler after such first inspection, the Inspector shall carefully make a comparison with such standards as aforesaid, and shall record any changes which may have occurred since the previous inspection; and 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 may be prescribed by any such regulations as hereinafter mentioned; and if no change, or no material change, has occurred in the state and condition of such boiler, he shall also record the same in manner aforesaid.

Procedure on subsequent inspection.

24. Each Inspector shall be supplied with a record book, to be kept by him in such manner as may be prescribed by regulations to be made as hereinafter provided. Such books shall be open to inspection at such Resident Magistrate's Court in the district as shall be appointed for that purpose by the Governor from time to time, by any person or persons, without any fee or reward; 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.

Inspector to keep records.

25. If any such Inspector shall fail to keep such record book in the manner he may be required by the Chief Inspector, he shall be liable to forfeit his office, and in addition thereto be liable to a penalty of not less than twenty pounds nor more than one hundred pounds.

Penalty on Inspector not keeping records.

26. Not less than twice in every year, each Inspector shall prepare and forward to the Chief Inspector a full and true abstract or return of all boilers inspected by him during the preceding half-year; and such abstract shall contain all such particulars and be in such form as may from time to time be prescribed by any regulations to be made under this Act.

Twice a year, a general abstract and report to be furnished by Inspectors.

27. 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

Inspection may be made at any reasonable time.

Inspection of Machinery.

working or use of any boiler, unless the Inspector shall see fit to exercise the powers hereinafter conferred upon him.

Power to Inspector to give notice requiring owner to desist using boiler, either wholly or partially.

28. If upon any inspection it shall appear to the Inspector that any boiler is unsafe, or that it would be dangerous to life or property if such boiler were to continue to be used in its then state, it shall be lawful for such Inspector to give to the owners of such boiler a notice in writing, or partly in writing and partly in print, in the form or to the effect set forth in the Fourth Schedule hereto, and such notice may either require such owner—

To wholly desist from working or using the boiler until certain repairs or alterations to be stated in the notice shall have been effected; or

To partially desist from working or using such boiler except at a minimum pressure to be stated in such notice, until any repairs or alterations to be mentioned in such notice shall have been effected.

Penalty on disobeying notice.

And if any person to or upon whom any such notice shall have been delivered or served as hereinafter provided, shall for a period of forty-eight hours thereafter fail, either wholly or partially, to desist from working such boiler, according to the exigency of such notice, such person shall be liable to a penalty of not less than twenty pounds nor more than one hundred pounds.

Provisions of sections 18, 19, and 20 to be applicable to cases in last preceding section.

29. The provisions of sections eighteen, nineteen, and twenty hereof, and the forms therein mentioned, shall be applicable as far as circumstances will admit to the notices specified in the last preceding section, and to the liability of the person to or upon whom any such notice shall have been delivered or served, as fully and effectually as if the said sections had been re-enacted and made specially applicable to the cases mentioned in such last preceding section.

Owner effecting repairs in or altering boiler to give notice to Inspector.

30. Whenever the owner of any boiler shall have effected any repairs to any boiler, or shall have added to or taken away from any boiler any fittings or appliances of any kind whatsoever, or in any manner altered the construction thereof, he shall forthwith give notice thereof to the Inspector of the district; and if any person shall fail to comply with the provisions of this section, he shall be liable to a penalty of not less than five pounds nor more than twenty pounds: Provided that this section shall not extend to cases where repairs have been effected in accordance with a notice to effect repairs given by any Inspector under the powers hereinbefore contained.

PART V.

PROVISIONS AFFECTING ALL BOILERS AND MACHINERY.

Fees for inspection.

31. There shall be paid to each Inspector on making any inspection of machinery or of any boiler, and before grant of any certificate as hereinafter provided, the fees prescribed in the Fifth Schedule hereto: Provided always that the Governor shall have power from time to time to diminish the amount of such fees as he shall think fit, by warrant published in the *New Zealand Gazette*.

All boilers shall be inspected at least once in every year, or oftener as occasion shall require: Provided that the fee for inspection of a boiler shall be payable in respect of such annual inspection, and not oftener for the same boiler.

Whenever any machinery shall have been once inspected under this Act, and a certificate of such inspection shall have been given as hereinafter provided, no further fee shall be payable for any subsequent inspection of the same machinery.

Inspection of Machinery.

32. 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; and if any such Inspector shall knowingly accept or charge any fee or receive any sum of money over and above the charges by law established, he shall be liable forthwith to forfeiture of his office, and in addition to a penalty not exceeding fifty pounds.

Penalty for receiving excessive fee.

33. Whenever any 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.

How notices may be served.

34. Whenever any Inspector shall have inspected any boiler or machinery, and shall be satisfied 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 then used, and in the case of any other machinery that the same is securely fenced and guarded, he shall give to the owner thereof a certificate in the form or to the effect in the Sixth Schedule, and the owner shall after receiving such certificate cause to be affixed on some conspicuous part of such boiler or machinery, or on such part thereof as may be approved by the Inspector, a metal plate bearing the words in legible characters "Certified under 'The Inspection of Machinery Act, 1874;'" and if any person shall cause such plate to be affixed without having obtained such certificate as aforesaid, he shall be liable to a penalty not exceeding ten pounds.

Inspector to give owners of boilers or machinery a certificate that same has been inspected.

35. Whenever any person shall sell or absolutely dispose of any 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 shall have been made; and whenever any such boiler or machinery shall be let to 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 of such machinery in manner aforesaid.

Where boiler or machinery is sold, notice to be given to Inspector.

In either of the cases hereinbefore mentioned, if default shall be made in giving any such notice, the person offending shall be liable to a penalty not exceeding ten pounds.

36. The owner of any boiler or machinery in respect of which an offence has been committed against this Act and for which a pecuniary penalty may be imposed, shall in every case (save as hereinafter provided) be deemed in the first instance to have committed the offence, and shall be liable to pay the penalty; but any owner who shall have been proceeded against by any Inspector shall be entitled upon complaint or information duly made by such owner to have any agent servant or workman brought before the Justices at the time appointed for hearing the complaint made against him by the Inspector; and if after the commission of the offence has been proved, the owner shall prove to the satisfaction of the Justices that he had used due diligence to enforce the execution of this Act, and that the said agent servant or workman had committed the fact in question without his knowledge consent or connivance, the said agent servant or workman shall be convicted of such offence, and shall pay the penalty instead of the owner; and the payment of such penalty and costs shall be enforced against the agent servant or workman in like manner as penalties are made recoverable by this Act.

Owner liable to penalty in the first instance.

37. No person shall be liable to the provisions of this Act as an owner of machinery or a boiler unless such machinery or boiler shall be under his immediate power or control; nor shall any mortgagee of any machinery or boiler be liable as hereinbefore mentioned unless he shall be in actual possession thereof or have the same under his

Owners and mortgagees, when not liable to Act.

Inspection of Machinery.

immediate power or control. And for the purposes of this section the words "immediate power or control" shall mean where any machinery or a boiler is worked or used by the owner of such machinery personally, or his agents servants or others, under his orders or directions and for his benefit or profit. But nothing herein contained shall exempt any corporate body from any liability under the said Act by reason only that any such machinery or boiler is under the control of any directors secretary manager, or other person or persons whomsoever, elected or employed by any such corporate body for the benefit of or on behalf of such body.

Actual offender may be proceeded against in certain cases.

38. In any case where it shall appear to an Inspector at the time of discovering the offence that the owner had used all due diligence to enforce the execution of the Act, and also by what person the offence had been committed, and also 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 shall believe to be the actual offender in the first instance, without first proceeding against the owner.

Inspector to give notice of intention to prefer complaint.

39. Where an Inspector intends to prefer a complaint against an owner of machinery that a child or young person had been employed in the management or in the working or control thereof, as the case may be, or that any part of the machinery hoist or teagle, 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 intend 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 in writing of such intention to the Inspector, who shall be the complainant, at least forty-eight hours prior to the hearing of the case.

Notice of every accident to be sent to Inspector.

40. Whenever loss of life or serious bodily injury to any person by reason of the explosion of any boiler, or by reason of any accident caused by any machinery, shall have happened in any building place or premises in which or whereon there shall be any steam boiler or machinery of any kind (whether subject to the provisions of this Act or not), the owner of such boiler or machinery shall within twenty-four hours thereafter send notice in writing under his hand to the Inspector for the district where such accident may have happened, specifying in such notice the cause of such accident, and shall cause such notice to be delivered at the office or usual place of residence of such Inspector.

Every owner who neglects to send or deliver such notice as aforesaid shall be liable to a penalty of not less than ten pounds and not exceeding twenty pounds.

Protection of Inspectors.

41. The provisions of an Act of the General Assembly of New Zealand, the Short Title of which is "The Justices Protection Act, 1866," shall so far as applicable extend to protect Inspectors in the exercise of their duties under this Act.

Penalties to be recovered in a summary way.

42. All penalties incurred under this Act may be recovered in a summary manner before a Resident Magistrate or two or more Justices of the Peace for the colony; and wherever any person wilfully contravenes any provision of this Act for which no other penalty is imposed, he shall thereby incur a penalty not exceeding ten pounds for each offence.

Justices may allow certain proportion of penalty to any person injured.

43. Any Resident Magistrate or Justices of the Peace 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 which he may have sustained by reason of the default in respect of which such penalty is imposed, and, subject to such directions as aforesaid, all

Inspection of Machinery.

such penalties shall be paid to the Colonial Treasurer and form part of the Public Account.

44. 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 specially appropriated for that purpose from time to time by the General Assembly. All fees received under this Act shall be paid into the Public Account and form part of the general revenue of the colony.

Expenses of carrying Acts into effect to be paid out of moneys specially appropriated.

45. 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*.

No *certiorari*.

46. The Governor in Council may from time to time delegate to the Superintendent of any province in which this Act may be in force, all the powers vested in him by this Act, except the powers conferred by the third, fourth, and sixth sections thereof, and except the power to appoint the Chief Inspector of Machinery.

Delegation of powers.

47. The Governor in Council may from time to time make alter amend or revoke any regulations not inconsistent with this Act—

Governor in Council may make regulations for certain purposes.

For regulating the duties of Inspectors ;

For prescribing the forms of notices to be given under this Act in any case where the same may not be herein provided for ;

For 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 ;

For prescribing the mode and time of making and forwarding abstracts and reports of such inspection ;

For directing in what manner notice of any Order in Council made under this Act shall be made known to the public, and generally for carrying this Act into execution.

All such regulations shall be published in the *New Zealand Gazette* and in the *Government Gazette* of every province in which this Act may be brought into operation.

48. Nothing contained in this Act shall apply to or affect any engines boilers or machinery used on or employed in the working of any railway constructed under the authority of "The Immigration and Public Works Act, 1870," or any of the Acts incorporated therewith or amending the same ; nor shall this Act prejudice or in any way interfere with the special powers of inspection and regulation of steam vessels and the machinery of such vessels, as such powers are contained in "The Steam Navigation Act, 1866," and the several Acts amending the same.

Act not to extend to engines or machinery on railways under control of Government, nor to steam vessels or machinery of such vessels.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

All machinery for cutting preparing or dressing *Phormium tenax*.

All machinery used in printing by steam machinery, or in flour mills, saw mills, bone-crushing mills, woollen mills, distilleries, foundries, planing machines, quartz-crushing mills or batteries.

SECOND SCHEDULE.

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].

And I hereby further inform you that this notice is given under "The Inspection

Inspection of Machinery.

of Machinery Act, 1874," the provisions of which affecting your liability under this notice can be seen at my office in [State where office is].

Dated this day of 18 .

A.B.,

Inspector of Machinery for the District.

THIRD SCHEDULE.

To [Name of owner] of
I HEREBY give you notice that the Arbitrators acting in the matter of a certain notice given by the Inspector of Machinery for the District to you on the day of last [or instant], having decided that it is necessary and possible to fence the machinery in such notice mentioned, I do hereby require you forthwith to cause the same to be fenced and protected in the manner required by the said notice.

And I hereby further give you notice that by "The Inspection of Machinery Act, 1874," it is provided that if after receiving this notice you neglect or fail to fence the above-mentioned machinery, you will be liable to a penalty of not less than twenty pounds nor more than one hundred pounds. This penalty is over and above any liability you may incur at the suit of any person injured by such neglect.

Dated this day of 18 .

A.B.,

Inspector of Machinery for the District.

FOURTH SCHEDULE.

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 in the meantime, 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].

This notice is given under the provisions of Part IV. of "The Inspection of Machinery Act, 1874," the provisions of which affecting your liability under this notice can be seen at my office in [State where office is].

Dated this day of 18 .

A.B.,

Inspector of Machinery for the District.

FIFTH SCHEDULE.**PART I.**

Fees on Inspection of Machinery not having Boilers connected therewith.

For every Inspection of any Machinery under Part III. of this Act—One pound.

PART II.

Fees on Inspection of Boilers.

For every Boiler working up to 10 horse-power—One pound.

For every Boiler working over 10 horse-power—Three pounds.

SIXTH SCHEDULE.

THIS is to certify, that I have this day inspected the machinery [or boiler] mentioned at the foot hereof, and that I consider the same [In the case of machinery, say, is properly fenced and protected in the parts thereof which appear to me to require fencing or protection.] [Where a boiler is inspected, say, is in good repair and fit to be used for the purpose stated below.]

Dated this day of 18 .

A.B.,

Inspector of Machinery for the District.

Description of Machinery.

Nature of machine [or boiler].

Motive power [or Pressure of boiler].

Maker's name.

Purpose for which used.

Owner's name [If a lessee or temporary owner, it should be so stated].

Other particulars [if any, stating whatever may be necessary to identify the machine or boiler].

WELLINGTON, NEW ZEALAND:

Printed under the authority of the New Zealand Government, by GEORGE DIDSBUXY, Government Printer.