

New Zealand.

SERVANTS' REGISTRY OFFICES.

1908, No. 174.

AN ACT to consolidate certain Enactments of the General Assembly relating to Servants' Registry Offices.

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. (1.) The Short Title of this Act is "The Servants' Registry Offices Act, 1908."

Enactments consolidated.

(2.) This Act is a consolidation of the enactments mentioned in the First Schedule hereto, and with respect to those enactments the following provisions shall apply:—

Savings.

- (a.) All Orders in Council, orders, certificates, licenses, registers, registrations, books, records, instruments, and generally all acts of authority which originated under the said enactments, and are subsisting or in force on the coming into operation of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated.
- (b.) All matters and proceedings commenced under the said enactments, and pending or in progress on the coming into operation of this Act, may be continued, completed, and enforced under this Act.

Interpretation.
1895, No. 21, sec. 2

2. In this Act, if not inconsistent with the context,—
- "District" means a district as constituted for the time being under "The Factories Act, 1908";
- "Inspector" means an Inspector of Factories for a district as herein defined;
- "Servant" means any person engaged or seeking engagement for hire in any manual capacity, whether domestic, agricultural, pastoral, mechanical, or otherwise howsoever;

“Servants’ registry office,” or “registry office,” or “office” means any house or office at which is carried on the business of procuring servants for employers or employment for servants, but does not include any association or institution not carried on for the profit thereof.

3. It shall not be lawful for any person in any district directly or indirectly to keep or conduct a registry office, or to in any way hold himself out to be a keeper or conductor thereof, or to charge or recover fees for or in connection with the hiring of servants, unless he is the holder of a license in the form numbered (3) in the Second Schedule hereto.

Every person keeping a registry office to be licensed. 1895, No. 21, sec. 3

4. (1.) The Inspector shall issue such license to any person who—

Application for license. Ibid. sec. 4

(a.) Makes written application therefor in the form numbered (1) in the Second Schedule hereto; and

(b.) Forwards with such application a license fee of ten shillings, and a certificate of character signed by a Magistrate in the form numbered (2) in the said Schedule.

Fee.

(2.) Before a person applies to a Magistrate for such certificate he shall give at least three days’ written notice to the Inspector stating the date and place when and where he intends to apply for the same, and the Inspector shall be entitled to be heard and bring evidence in opposition to the granting of such certificate.

5. Such license, unless sooner cancelled, shall continue in force in the district for which it was issued, but not elsewhere, for one year, but may be renewed from year to year on payment of an annual fee of five shillings.

Duration of license Ibid. sec. 5

6. The Inspector shall keep a register of all license-holders in his district, and of all indorsements and cancellations of licenses.

Inspector to keep register. Ibid. sec. 6

7. A copy of any entry in such register purporting to be signed by the Inspector shall be *prima facie* evidence of the truth of the matters stated in such copy.

Evidence of entry in register. Ibid. sec. 7

8. Every license-holder shall keep the following records of his business:—

Books and records to be kept by license-holder. Ibid. sec. 8

(a.) A book containing the name of every person who pays or is charged a fee for or in connection with the hiring of servants, together with the date and the amount of the fee:

(b.) A book of engagements in the form numbered (4) in the Second Schedule hereto, containing the particulars therein specified:

(c.) The originals of all letters received, for a period of one year from the receipt thereof, by the license-holder relating to the hiring of servants.

9. Such books and records shall be accurately kept from day to day, and shall at all reasonable times be open to inspection by the Inspector.

To be open to inspection. Ibid. sec. 9

10. Any employer or servant may at all reasonable times inspect and take copies of any entry relating to himself in such books.

Copies of entries may be taken. Ibid. sec. 10

11. Every license-holder shall at all times keep posted up in some conspicuous place in or on his office, so as to be easily read by the public, the words “Licensed Registry Office Keeper.”

Name to be posted up. Ibid. sec. 11

License not transferable.
1895, No. 21, sec. 12

Unlicensed person not to hold himself out as licensed.
Ibid, sec. 13

Governor may prescribe scale of fees.
Ibid, sec. 14

License-holder to post list of fees in his office.
Ibid, sec. 15

Fees allowed to be received.
Ibid sec. 16

License-holder may not have interest in lodginghouse.
Ibid, sec. 17

Interest defined.

Illegal contracts or agreements.
Ibid, sec. 18

Breach of Act.
Ibid, sec. 19

Onus on accused to prove he is licensed.
Ibid, sec. 20

Accused to produce his license.
Ibid, sec. 21

Conviction to be indorsed on license.
Ibid, sec. 22

When license deemed to be cancelled.
Ibid, sec. 28

Effect of cancellation.
Ibid, sec. 23

Recovery of license-holder's fees.
Ibid, sec. 24

12. (1.) It shall not be lawful for a license-holder to transfer his license to any person, or to directly or indirectly permit any person to carry on business under colour of such license.

(2.) It shall not be lawful for any person not being a license-holder to directly or indirectly hold himself out to be a license-holder.

13. The Governor may from time to time, by Order in Council gazetted, prescribe a scale of fees chargeable by and payable to license-holders in respect of the hiring of servants.

14. Every license-holder shall at all times keep posted up in some conspicuous place in his office, so as to be easily read by all persons, a printed copy of the scale of fees for the time being in force under this Act.

15. (1.) It shall not be lawful for any license-holder to directly or indirectly demand or receive from any person, for or in respect of the hiring of any servant, any greater or other fees than those specified in such scale, and any sum so in any way received by any license-holder in breach of this section may be recovered back, with full costs of suit, by the person who paid it.

(2.) No license-holder shall, directly or indirectly, take or accept any goods or chattels in payment or as security for the payment of such fees, nor shall any license-holder receive or accept any reward or other consideration in addition to the said fees.

16. (1.) It shall not be lawful for any license-holder to directly or indirectly keep servants as lodgers, or have any share or interest in the keeping of a lodginghouse for servants.

(2.) For the purposes of this section a license-holder shall be deemed to have such interest as aforesaid if any lodger or lodginghouse is kept by any member of the license-holder's household.

17. Every contract or agreement made between any license-holder and any other person relating to the keeping of servants as lodgers or of a lodginghouse for such purpose shall be illegal and void for all purposes.

18. If any person, being a license-holder, fails or neglects to comply with any of the provisions of this Act, or, being a license-holder or not, commits a breach of any of the provisions of this Act, he is liable to a fine not exceeding five pounds.

19. In all proceedings under section twelve hereof the onus shall be on the accused to prove, by the production of his license, that he is a license-holder.

20. In all proceedings under this Act against a license-holder he shall produce his license to the Court.

21. Every conviction against a license-holder shall be indorsed on his license by the convicting Magistrate or Justices, and on a third indorsement within three years from the first indorsement within such period being made the license shall be deemed *ipso facto* cancelled, and the Clerk of the Court shall deliver it up to the Inspector.

22. If any license-holder is convicted of any indictable offence his license shall be deemed *ipso facto* cancelled.

23. No person whose license has been cancelled shall be entitled to hold a license in any district until the expiration of one year from the date of such cancellation.

24. No license-holder shall be entitled to maintain an action for the recovery of fees unless at the trial he produces his license.

25. On satisfactory proof of the loss or destruction of a license, and on the payment of a fee of one shilling, the Inspector may, at the request of the licensee, issue a duplicate (bearing all indorsements), and such duplicate shall avail for all purposes as if it were the original.

If license lost, duplicate may be issued.
1895, No. 21, sec. 25

26. All fees and fines received and recovered under this Act shall be paid into the Public Account and form part of the Consolidated Fund.

Fees, &c., to be paid into Public Account.
Ibid, sec. 27

SCHEDULES.

FIRST SCHEDULE.

ENACTMENTS CONSOLIDATED.

1895, No. 21.—“The Servants' Registry Offices Act, 1895.”

SECOND SCHEDULE.

(1.) APPLICATION FOR LICENSE.

Section 4.
Ibid, Schedule.

To the Inspector of Factories for the District of

I, A. B., residing at _____, hereby apply for a license under “The Servants' Registry Offices Act, 1908,” as the keeper of a servants' registry office at the premises situate at _____ in this district. I enclose herewith the certificate of a Magistrate, and also the prescribed fee of ten shillings.

Dated this _____ day of _____, 19 _____.

A. B.

(2.) CERTIFICATE OF MAGISTRATE.

I, THE undersigned, being a Stipendiary Magistrate residing or exercising jurisdiction within the District of _____, do hereby certify that I believe [*Here state the name of the applicant*] to be a fit and proper person to keep and have the conduct of a servants' registry office under “The Servants' Registry Offices Act, 1908.”

Dated at _____, this _____ day of _____, 19 _____.

C. D.,
Stipendiary Magistrate.

(3.) LICENSE.

Section 3.

I, THE undersigned, Inspector of Factories for the District of _____, do hereby certify that A. B., of _____, is hereby licensed to keep and have the conduct of a servants' registry office in this district, subject to the provisions of “The Servants' Registry Offices Act, 1908.” This license, unless sooner cancelled, continues in force in this district (but not elsewhere) for one year from the date hereof, and is not transferable in any manner whatsoever.

Dated this _____ day of _____, 19 _____.

E. F.,
Inspector of Factories.

Section 8.

(4.) BOOK OF ENGAGEMENTS.

Name of Employer.	Address and Occupation.	Name of Servant.	Nature of Engagement.	Rate of Wages.	Terms of Engagement.