

Hon. Mr. Semple

ENGINEERS REGISTRATION AMENDMENT

ANALYSIS

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A BILL INTITULED

AN ACT to amend the Engineers Registration Act, Title, 1924

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

1. (1) This Act may be cited as the Engineers Registration Amendment Act, 1944, and shall be read together with and deemed part of the Engineers Registration Act, 1924 (hereinafter referred to as the principal Act).
- (2) This Act shall come into force on the first day of April, nineteen hundred and forty-five.

Short Title.

See Reprint of Statutes, Vol. I, p. 381

Commencement.

Interpretation.

2. In this Act, unless the context otherwise requires, "year" means a year ending on the thirty-first day of March.

Registered engineers required to have annual practising certificates.

3. (1) Every person (whether or not he is registered as an engineer under the principal Act) commits an offence who, not being the holder of an annual practising certificate issued under this section, uses or causes to be used in connection with his business, trade, calling, or profession any written words, titles, initials, or abbreviation of words, titles, or initials, which are intended to cause or may reasonably cause any other person to believe that he is registered under the principal Act. 5 10

(2) Subject to the payment of the prescribed fee, the Registrar, on application in that behalf by any person who is registered as an engineer under the principal Act, shall issue to him an annual practising certificate, and any such certificate shall be in force during the year in respect of which it is issued: 15

Provided that if at any time during the currency of any such certificate the holder thereof ceases to be registered under the principal Act the certificate shall be deemed to be cancelled. 20

(3) Every person who commits an offence against this section shall be liable on summary conviction to a fine not exceeding *fifty* pounds and (if the offence is a continuing one) to a further fine not exceeding *five* pounds for every day during which the offence continues. 25

Repeal.

(4) Section fourteen of the principal Act is hereby repealed. 30

List of holders of annual practising certificates to be gazetted.

4. (1) The Board shall in the month of April in each year furnish to the Minister of Works a list of the registered engineers who for the time being are the holders of annual practising certificates, showing the particulars entered on the register in respect of each such engineer, and the Minister shall cause every such list to be published in the *Gazette*. 35

(2) The *Gazette* containing any such list shall, in the absence of proof to the contrary (whether by a certificate under the hand of the Registrar or otherwise), be sufficient evidence in all judicial proceedings that, on the date of the list, every person whose name 40

appears in the list was the holder of an annual practising certificate and was duly registered as an engineer by virtue of the qualifications set forth in the list, and that no person whose name does not appear in the list
5 was the holder of an annual practising certificate or was registered as an engineer.

5. A certificate under the hand of the Registrar to the effect that at any time or during any period specified in the certificate any person was or was not
10 registered as an engineer under the principal Act, or was or was not the holder of an annual practising certificate under this Act, or as to any entry in the Register of Engineers, or as to any act or proceeding of the Board shall, in the absence of proof to the
15 contrary, be sufficient evidence of the matters therein specified.

Certificate of Registrar to be evidence of registration, &c.

6. Section sixteen of the principal Act is hereby amended by inserting in paragraph (b), after the words "certificates of registration", the words "and of any
20 other certificates issued by the Registrar".

Section 16 of principal Act (as to regulations) amended.

7. In addition to the persons qualified under section six of the principal Act, every person shall, on payment of the prescribed fee, be entitled to be registered under the principal Act as an engineer who—

Extending qualifications for registration of engineers.

25 (a) Has attained the age of thirty-five years; and

(b) Has during the period of twelve years immediately preceding the passing of this Act been engaged for a period or periods amounting in the aggregate to not less than
30 six years in a responsible position in the practice of engineering for a local authority or two or more local authorities in a manner satisfactory to the Board; and

(c) Makes application for registration within six
35 months after the passing of this Act or, in the case of a person who on the passing of this Act is a serviceman within the meaning of Part I of the Rehabilitation Act, 1941, within six months after he ceases to serve as a
40 serviceman.

Local
authorities
to employ
registered
engineers.

8. (1) In this section, unless the context otherwise requires,—

“Engineer” includes any person by whatever name he is called or whatever office he holds who is employed as an engineer in designing or constructing any work or in supervising the construction or maintenance of any work for a local authority: 5

“Local authority” means a local authority or public body that for the time being is a local authority within the meaning of the Local Government Loans Board Act, 1926, whether by virtue of section two of that Act or of any Order in Council thereunder, or by virtue of the provisions of any other Act; and includes such other persons and bodies as are from time to time declared by the Governor-General by Order in Council to be local authorities for the purposes of this Act. 10 15

See Reprint
of Statutes,
Vol. V, p. 415

(2) Subject to any exemption granted under the next succeeding section, no local authority shall employ as its engineer or, where it employs more than one engineer, as its chief or principal engineer any person who is not the holder of an annual practising certificate issued under section three of this Act: 20 25

Provided that this subsection shall not apply with respect to any local authority in any year unless the total amount expended in that year by the local authority on the construction, maintenance, and operation of its works is at least *ten* thousand pounds: 30

Provided also that it shall not be a breach of the provisions of this subsection for a local authority to continue to employ as its engineer or as its chief or principal engineer any person who is not the holder of an annual practising certificate if on the passing of this Act he was employed by that local authority in the same capacity. 35

(3) Every person who is employed by a local authority in breach of the provisions of the last preceding subsection commits an offence and shall be liable on summary conviction to a fine not exceeding *five* pounds for each day during which he is so employed. 40

(4) Subject to any exemption granted under the *next succeeding* section, it shall not be lawful for any local authority to expend any moneys borrowed (whether before or after the commencement of this Act) by way of special loan under the Local Bodies' Loans Act, 1926, for the purposes of any work, except under the supervision of an engineer who is the holder of an annual practising certificate issued under section *three* of this Act.

See Reprint
of Statutes,
Vol. V, p. 360

10 9. (1) The Minister of Works, acting on the recommendation of the Engineers Registration Board, may from time to time, by writing under his hand, exempt any local authority from all or any of the provisions of the *last preceding* section.

Minister of
Works may
grant
exemptions.

15 (2) Any such exemption may be granted in respect of any period, whether before or after the date of the exemption, and may be granted either unconditionally or upon or subject to such conditions as the Minister, acting on the recommendation of the Board, thinks fit.

20 (3) Any exemption granted under this section may be at any time in like manner amended or revoked.