

INSPECTION OF MACHINERY.

THIS Bill incorporates the two Acts at present in force: 1874, No. 61; and 1875, No. 14.

Part I.: Clause 4 is a new clause putting the department under the charge of a Minister. In several parts of the Bill duties are cast upon a Minister, but there was no provision enabling the administration of the Act to be given to one Minister. This is now remedied.

The power of delegation which formerly existed has been omitted; and, as the Act is in force throughout the colony, no provision similar to section 3 of the Act of 1874 is required.

Clause 5. The new matter requires no explanation.

The Act of 1874 had a provision (section 6) enabling persons *desirous* of becoming Inspectors to present themselves for examination. This led, we understand, to much inconvenience, and the section has been omitted.

Clause 9. The amendment proposed is to avoid conflict of authority in the cases mentioned.

Clause 29 gives a power to inspect certain classes of boilers once in every two years. Many boilers, as of threshing-machines and others not in constant use, do not require annual inspection as in other cases.

Clause 34 is new. It prohibits any boiler being in charge of a person under the age of eighteen years, and prescribes a penalty for breach of the Act.

Clause 35. An addition is proposed to this clause. Its object is to compel attention to the authorized pressure by the person actually in charge. A frequent excuse now made is that some person *previously* in charge had allowed the pressure to be exceeded.

Clause 40 contains a new and important provision requiring the authorized pressure of the boiler to be stated on a metal plate affixed to such boiler. There is a penalty prescribed for omitting to keep such plate affixed or for allowing it to remain when the certificate has ceased to operate. This provision will prevent any person from availing himself of the excuse that he did not know the pressure allowed.

Clause 42. The words in italics are necessary in cases where boilers are within the terms of clause 29.

Clause 43. Some such words as those at the end of the clause are required to prevent an Inspector acting arbitrarily.

Clause 60 contains a few additions. The object of allowing a place to be prescribed for the payment of the fees is for the convenience of the public.

Clause 62 repeals the existing Acts, with the usual saving.

A. J. JOHNSTON.
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This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and having this day passed as now printed, is transmitted to the HOUSE OF REPRESENTATIVES for its concurrence.

Legislative Council,
29th July, 1881.

[STATUTES REVISION COMMISSION.]

INSPECTION OF MACHINERY.

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A BILL INTITULED

Title.	AN ACT to consolidate and amend the Law providing for the Inspection and Regulation of certain kinds of Machinery.	
	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 is "The Inspection of Machinery Act, 1881."	5
Interpretation.	2. In this Act, if not inconsistent with the context,—	
1875, No. 14, s. 3.	"Boiler" means and includes 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 any kind of machinery :	10
1874, No. 61, s. 2.	"Building" means 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 :	
Ib.	"Child" means a person of either sex under the age of ten years.	
Ib.	"District" means any district proclaimed under this Act :	15
	"Inspector" means any person appointed to be an Inspector of Machinery under this Act, acting within any district for which he shall be 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 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 :	20
	"Minister" means the Minister for the time being having the administration of this Act, and includes any other member of the Executive Council acting for such Minister :	25
Ib.	"Owner" means and includes 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 :	30
Ib.	"Premises" 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 :	35
	Where any notice is required or authorized to be in any manner given under this Act, it is meant that such notice shall be either written or printed, or partly written and partly printed.	

3. This Act is divided into Parts as follows:—

PART I.—Administration of the Act.

PART II.—Inspection of machinery.

PART III.—Provisions affecting boilers.

PART IV.—General provisions as to boilers and machinery.

Division of Act into parts.
1874, No. 61, s. 2.

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PART I.

ADMINISTRATION OF THE ACT.

New Clause.

10 4. The Governor may from time to time appoint some person being a member of the Executive Council to have charge of the administration of this Act, and such Minister shall have the control and direction of all officers and persons employed in carrying this Act into effect; and shall also have the powers, duties, and authorities by this Act imposed and conferred upon him.

Governor may appoint Minister to administer Act.

15 5. The Governor may, by Proclamation in the *Gazette*, from time to time divide the colony into districts with such boundaries as he may think convenient.

Governor may divide colony into districts.
Ib., s. 4.

In and by any such Proclamation the Governor may assign to any such district a name by which it shall be known for the purposes of this Act.

20 He may in like manner from time to time alter the boundaries of districts, but all districts defined under any Act hereby repealed, and in existence at the time of the passing of this Act, shall be deemed to have been proclaimed hereunder.

Boundaries of districts may be altered.

6. The Governor may from time to time appoint one person to be Chief Inspector of Machinery, and for each district one or more persons to be Inspectors of Machinery, and any such person or persons may remove from office.

Governor may appoint Chief Inspector and Inspectors.
Ib., s. 5.

25 And in case of the death, resignation, or dismissal from office of any such person or persons, another or others in his place may appoint as occasion may require: Provided that any person may be appointed Inspector for two or more districts if the Governor thinks fit.

30 7. Every Inspector shall be furnished with a certificate in writing under the hand of the Minister 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.
Ib., s. 7.

35 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.

Penalty for using false certificate or pretending to be an Inspector.
Ib., s. 8.

40 9. 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, but only in such manner as may be prescribed by regulations to be made under this Act.

Powers and duties of Chief Inspector.
1875, No. 14, s. 4.
(Modified).

45 10. Every Inspector shall keep full minutes of all his proceedings, and shall at least twice in every year, or oftener if so required, report the same to the Chief Inspector, with such particulars and information as the Chief Inspector may require.

Inspector to keep minutes and report to Chief Inspector.
Ib., s. 4.

PART II.

INSPECTION OF MACHINERY.

Machinery subject to Act.

What to be deemed machinery for purposes of this Act. 1874, No. 61, s. 10.

11. 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. 5

The Governor, by Order in Council duly gazetted, 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. 10

Governor may withdraw machinery from operation of Act. 1875, No. 14, s. 5.

He may in like manner from time to time declare that any kinds of machinery shall cease to be machinery subject to this Act.

Persons possessing machinery declared subject to Act to send notice to Inspector. 1874, No. 61, s. 11.

12. Any person who may hereafter become 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 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, the nature and amount of the moving power. 15 20

Provision where machinery brought under Act.

Whenever any machinery shall be 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.

Penalty for default in giving notice.

Every person making default in giving any such notice as required by this section shall be liable to a penalty not exceeding ten pounds. 25

Employment of Children and Young Persons.

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

13. 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. 30

Ib., s. 12.

Penalty.

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.

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

14. 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. 35

Ib., s. 13.

Penalty.

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. 40

Fencing of Machinery.

Certain parts of machinery to be fenced and guarded.

15. 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 45

Ib., s. 14.

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.

5 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.

10 16. The provisions of the three last 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.

15 But no such owner shall be liable to the penalty mentioned in the fifteenth 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.

Powers and Duties of Inspectors.

20 17. 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.

30 18. 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.

35 19. 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.

40 20. 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 gaurded, he shall give notice 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.

45 If the owner does not within a period of ten days from the service upon him of such notice comply with the terms thereof, or if he does 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 be liable to a penalty of not less than ten pounds nor more than fifty pounds.

Arbitration after Notice from Inspector.

Procedure on
arbitration.
1874, No. 61, s. 19.

21. 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; and thereupon the following provisions shall have effect:—

- (1.) One of such arbitrators 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: 10
- (2.) 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: 15
- (3.) If the arbitrators so appointed shall not agree in opinion, the said arbitrators shall choose a third arbitrator possessing a similar knowledge of machinery: 15
- (4.) 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: 20
- (5.) 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: 25
- (6.) 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 penalties under this Act are recoverable. 30

Period within which
machinery to be
fenced.
Ib., s. 20.
Penalty for neglect
to comply with
decision of
arbitrators.

22. If the opinion of the arbitrators 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 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 be liable to a penalty of not less than twenty pounds nor more than one hundred pounds. 35

PART III.

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PROVISIONS AFFECTING BOILERS.

Provision of Part II.
applicable to inspection
of boilers.

23. 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 Part II. 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. 45

Chief Inspector to
provide Inspectors

24. 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 :

with standards, and give instructions. 1874, No. 61, s. 21.

5 Provided that no such instructions or directions shall be inconsistent with this Act or any regulations made hereunder.

25. 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.

Record of first inspection of boilers. *Ib.*, s. 22.

10 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.

Contents of record.

15 26. On each subsequent occasion on which he shall inspect any boiler, 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 :

Procedure on subsequent inspection. *Ib.*, s. 23.

20 (1.) 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 regulations made hereunder :

(2.) 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.

25 27. 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 under this Act.

Inspector to keep record-books. *Ib.*, s. 24.

Such books shall be open to inspection at such Resident Magistrate's Court, or other convenient place in the district as may be appointed for that purpose by the *Minister* 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.

To be open to inspection by public without fee.

30 28. If any such Inspector shall fail to keep such record-book in the manner he may be required, 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. *Ib.*, s. 25.

35 29. All boilers shall be inspected at least once in every year, or oftener as occasion shall require :

When boilers to be inspected. 1875, No. 61, s. 7. Proviso.

40 *Provided that the Governor may 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 shall be for a less period than two years.*

45 30. 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 shall see fit to exercise the powers hereinafter conferred upon him.

Inspection may be made at any reasonable time. 1874, No. 61, s. 27.

50 31. 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 owner of such boiler a notice in the form or to the effect set forth in the Fourth Schedule hereto, and such notice may either require such owner—

Power to Inspector to give notice, requiring owner to desist using boiler either wholly or partially. 1875, No. 14, s. 6.

(1.) To wholly desist from working or using the boiler, from a period to be fixed in such notice, until certain repairs or alterations to be stated in the notice shall have been effected ; or

(2.) To partially desist from working or using such boiler, from such a period as aforesaid, 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 exceeding that which shall be set forth by the Inspector in such notice, 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.

Provision of sections 19, 20, 21, and 22 to be applicable in such cases.

1874, No. 61, s. 29.

32. The provisions of sections *twenty, twenty-one, and twenty-two* 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.

Ib., s. 30.

33. 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.

Penalty on failure to give notice.

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.

Persons under eighteen years of age not allowed to have control of boiler.

Penalty.

34. *No person under the age of eighteen years shall have charge of or be allowed to exercise any control over any boiler. If the owner of any boiler shall knowingly permit or suffer a breach of this provision he shall be liable to a penalty not exceeding twenty pounds.*

Penalty on increasing pressure in boiler.

1875, No. 14, s. 12.

35. Any person who by any means whatsoever, knowingly or wilfully does anything to increase or that tends to increase the pressure in any boiler beyond that stated in the certificate *granted by an Inspector under this Act and then in force*, and any person who aids or abets or assists in aiding or abetting in increasing the pressure as aforesaid, or procures such pressure to be increased, shall be guilty of a misdemeanour.

Who deemed to have committed offence under this section.

The person in charge of any boiler at the time such increased pressure shall be discovered, or who, finding the same in a state of increased pressure, shall allow the same to continue at such increased pressure, shall be deemed prima facie to have committed an offence within the meaning of this section.

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

1874, No. 61, s. 26.

36. 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 made under this Act.

PART IV.

GENERAL PROVISIONS AS TO BOILERS AND MACHINERY.

Fees for Inspection.

Fees for inspection.
1875, No. 14, s. 7.

37. There shall be paid to each Inspector, *on behalf of Her Majesty*, or to such other person as *may be prescribed by any regulations made under this Act*, on

making any inspection of machinery or of any boiler, or before grant of any certificate as hereinafter provided, the fees prescribed in the Fifth Schedule hereto :

5 Provided that the Governor shall have power from time to time to diminish the amount of such fees as he shall think fit, by warrant duly gazetted.

38. 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.

Penalty for receiving excessive fee. 1874, No. 61, s. 32.

10 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.

Certificates of Inspection.

15 39. Whenever any Inspector shall have inspected any boiler or machinery, and shall be satisfied—

Inspector to give owners of boilers or machinery a certificate that same has been inspected. Ib., s. 34.

(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 then used ;

(2.) And in the case of any other machinery that the same is securely fenced and guarded ;

20 he shall give to the owner thereof a certificate in the form or to the effect in the Sixth Schedule hereto.

40. The owner, after receiving such certificate, shall cause to be affixed on some conspicuous part of such boiler or machinery as may be approved by the Inspector, a metal plate bearing the words in legible characters hereinafter mentioned :—

Machinery to have metal plate affixed, bearing certain words. Ib. (Modified.)

(1.) In the case of a boiler : " Certified under ' The Inspection of Machinery Act, 1881 ; ' pressure lbs., " stating thereon the pressure mentioned in the certificate granted under this Act :

30 (2.) In the case of machinery : " Certified under ' The Inspection of Machinery Act, 1881. ' "

If any person shall cause such plate to be affixed without having obtained such certificate as aforesaid, or if the owner of such boiler or machinery shall neglect to keep any such plate so affixed, so long as any certificate granted in respect thereof shall remain in force, or shall keep the same so affixed when any such certificate has ceased to be in force, such person or owner shall in any such case be liable to a penalty not exceeding fifty pounds.

Penalty.

41. 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 such machinery or boiler, and any person neglecting so to exhibit such certificate shall be liable to a penalty not exceeding twenty pounds.

Certificate to be exhibited in conspicuous place. 1875, No. 14, s. 10. Penalty.

42. The certificate to be granted to the owner of any boiler shall remain in force for any period the Inspector shall think fit not exceeding one year, which period shall be stated on the certificate. Where the certificate is granted in respect of any boiler brought within the provisions of section twenty-nine then the certificate may be granted for any period not exceeding two years.

Duration of certificates of boilers. Ib., s. 8.

43. Any certificate granted before the passing of this Act shall remain in force for one year after the date of issue of the same, and the certificate to be granted

Duration of certain certificates. Ib.

to the owner of any machinery shall remain in force so long as no material alteration or addition is made in or to such machinery, and the same continues to be kept securely fenced and guarded: Provided that the Inspector shall have power to cancel or suspend any certificate granted to the owner of any boiler or machinery *in any case where he may deem it necessary for the purpose of giving due effect to this Act.* 5

Penalty for working without a certificate. 1875, No. 14, s. 9.

44. Any owner working or using any boiler or machinery in respect of which a certificate shall not have been granted, or for which a certificate shall not be in force under this Act, shall be liable to a penalty not exceeding one hundred pounds. 10

No proceeding shall be commenced or prosecuted for a breach of this section except by an Inspector or a person holding the written consent of such Inspector first obtained.

Duties and Liabilities of Owners of Boilers and Machinery.

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

1874, No. 61, s. 35.

Like notice when let to hire.

45. 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. 15

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. 20

Penalty.

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. 25

Owner liable to penalty in the first instance. *Ib.*, s. 36.

46. 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. 30

But owner may show that he has used due diligence, and avoid payment of penalty.

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. 40

Owners and mortgagees, when not liable to Act. *Ib.*, s. 37.

47. 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 immediate power or control. 45

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. 50

But nothing herein contained shall exempt any corporate body from any

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 or persons whomsoever, elected or employed by any such corporate body for the benefit of or on behalf of such body.

5 48. 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 this 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
10 may proceed against the person whom he shall believe to be the actual offender in the first instance, without first proceeding against the owner.

Actual offender may be proceeded against in certain cases. 1874, No. 61, s. 38.

15 49. Where an Inspector intends to prefer a complaint against an owner of machinery that a child or 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
15 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
20 of the case, he shall give notice of such intention to the Inspector, who shall be the complainant, at least forty-eight hours prior to the hearing of the case.

Inspector to give notice of intention to prefer complaint. Ib., s. 39.

Inquiries as to Accidents.

50. 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
25 or whereon there shall be any 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 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
30 the office or usual place of residence of such Inspector.

Notice of every accident to be sent to Inspector. Ib., s. 40.

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.

Penalty.

35 51. In the event of any accident happening to any machinery or boiler, whether such machinery or boiler comes under the provisions of this Act or not, or where, by reason of any such accident, any loss of life shall have happened or serious bodily injury shall have occurred to any person, the *Minister* may direct an inquiry to be held before any Resident Magistrate, together with a person skilled in the use and construction of such machinery or boiler to be appointed
40 by the Minister.

Power to hold inquiry into cause of accidents. 1875, No. 14, s. 11.

52. Such Resident Magistrate, together with such person as aforesaid, shall have power to hold such inquiry at such times and places as the Minister may appoint, and shall report on the cause of such accident to the Minister.

Resident Magistrate to hold inquiry and report thereon to the Minister.

45 With respect to the summoning and attendance of witnesses at or upon any such inquiry, and the examination of such witnesses upon oath or as may be otherwise allowed by law, every such Resident 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, 1866," and any Act amending the same.

Ib. Powers of Resident Magistrate.

Miscellaneous Provisions.

Protection of
Inspectors.
1874, No. 61, s. 41.
Responsibility of
owners, &c.,
maintained.
1875, No. 14, s. 13.

53. "The Justices Protection Act, 1866," shall, so far as applicable, extend to protect Inspectors in the exercise of their duties under this Act.

54. Nothing in this Act, or in any certificate granted under its provisions, shall be deemed to relieve any owner of the machinery or boiler from liability to 5 any action or suit or from liability to any civil or criminal proceeding whatsoever, 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.

How notices, &c.,
may be served.
1874, No. 61, s. 33.

55. Whenever any notice, summons, or other process is required to be 10 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.

Penalties to be
recovered in a
summary way.
Ib., s. 42.

56. All penalties incurred under this Act may be recovered in a summary way; 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 15 exceeding ten pounds for each offence.

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

Ib., No. 61, s. 43.

57. 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 20 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 such penalties shall be paid into the Public Account and form part of the Consolidated Fund.

Expenses of carrying
Act into effect to be
paid out of moneys
specially appro-
priated.

Ib., s. 44.

58. 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 25 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 Consolidated Fund.

No *certiorari*.

Ib., s. 45.

59. 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 30 removed into the Supreme Court by *certiorari*.

Governor in Council
may make regulations
for certain purposes.

Ib., s. 47.

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

Regulating the duties of the *Chief Inspector and* of Inspectors :

Prescribing the forms of notices to be given under this Act in any case 35 where the same may not be herein provided 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 : 40

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 :

And generally for carrying this Act into execution.

All such regulations shall be gazetted. 45

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

Ib., s. 48.

61. 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 or other 50 public work, constructed on behalf of Her Majesty the Queen, or the Government of the colony, under the authority of any Act *heretofore in force, or that may now or hereafter be in force*; nor shall this Act prejudice or in any way interfere with the special powers of inspection and regulation of steam vessels

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and the machinery of such vessels, as such powers are contained in "The Shipping and Seamen's Act, 1877."

62. "The Inspection of Machinery Act, 1874," and "The Inspection of Machinery Act Amendment Act, 1875," are hereby repealed. Repeal of Acts.

5 But all Orders in Council and Proclamations made, all licenses issued and in force, and all offices held under the said repealed Acts, or either of them, and subsisting at the date of the passing of this Act, shall respectively remain, continue in force, and subsist as if made, issued, or held under this Act. Saving.

SCHEDULES. Schedules.

FIRST SCHEDULE.

MACHINERY SUBJECT TO ACT.

All machinery for cutting, preparing, or dressing *Phormium tenax*. Sec. 11.

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.

NOTICE TO OWNER THAT MACHINERY IS DANGEROUS.

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]. Sec. 20.

And I hereby further inform you that this notice is given under "The Inspection of Machinery Act, 1881."

Dated this day of , 18 .

A.B.,

Inspector of Machinery for the District.

THIRD SCHEDULE.

NOTICE OF DECISION OF ARBITRATORS.

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. Sec. 22.

And I hereby further give you notice that by "The Inspection of Machinery Act, 1881," 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.

NOTICE TO OWNER THAT BOILER IS DANGEROUS.

Sec. 31.

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, 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].

This notice is given under Part III. of "The Inspection of Machinery Act, 1881."

Dated this day of , 18 .

A.B.,

Inspector of Machinery for the District.

FIFTH SCHEDULE.

FEES ON INSPECTION OF BOILERS.

Sec. 37.

For every boiler working up to 5-horse power	...	..	£1	0	0
For every boiler working over 5-horse power and up to 10-horse power	...	...	2	0	0
For every boiler working over 10-horse power	...	...	3	0	0
Provided that when more than one boiler is attached to any machinery the maximum fee to be charged is not to exceed	...	...	5	0	0

FEES ON INSPECTION OF MACHINERY NOT HAVING BOILERS CONNECTED THEREWITH.

For every inspection and grant of certificate in respect of any machinery	£1	0	0
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SIXTH SCHEDULE.

CERTIFICATE OF INSPECTION.

Sec. 39.

THIS is to certify that, in accordance with "The Inspection of Machinery Act, 1881," 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].