

Hon. Mr. Sullivan

MACHINERY

ANALYSIS

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A BILL INTITULED

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| Title. | AN ACT to Make Provision for the Inspection of Certain Kinds of Machinery and for the Safety of Persons Working with Machinery to which the Act applies. | |
| | BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:— | 5 |
| Short Title. | 1. (1) This Act may be cited as the Machinery Act, 1950. | |
| Commencement. | (2) This Act shall come into force on the first day of January, nineteen hundred and fifty-one. | 10 |
| Interpretation. | 2. In this Act, unless the context otherwise requires,— | |
| | “Boiler” means any vessel in which steam is used or applied above atmospheric pressure for any purpose; and includes— | 15 |
| | (a) Any vessel (other than a container for transport) which has an internal diameter exceeding six inches and is used as a receiver for compressed air or gas the pressure of which exceeds thirty pounds to the square inch: | 20 |
| | (b) Any economizer used for the purpose of heating water that is fed to a boiler and any superheater used for heating steam: | |
| | (c) The setting and all fittings and mountings, steam and other pipes, feed pumps, injectors, fans, mechanical stokers, and other equipment connected to a boiler or necessary to maintain its efficiency: | 25 |
| | “Crane” means any appliance equipped with mechanical means for raising and lowering a load by ropes or chains and for transporting the load while suspended; and includes all chains, ropes, slings, shackles, swivels, rings, hooks, or other tackle used in the operation of a crane, whether or not any such tackle is detachable from the crane; but does not include— | 30 |
| | (a) A hoist block running on a fixed rail or wire: | 35 |
| | | 40 |

(b) A stacker or conveyer whereby a load is moved by means of a belt or platform:

(c) An earth or mineral moving or excavating appliance not fitted with a grab:

5 "Hoist" means any hoist or other cargo handling machine or gear (other than a crane) used on any barge or hulk or on any wharf, or in any shed or store on or near to a wharf wherein cargo unloaded from a ship or to be loaded into
10 a ship may be stored; and includes any machine or gear used in any dry dock or on any slipway in connection with the repair of ships:

15 "Inspector" means an Inspector of Machinery appointed under this Act:

"Lift" means an appliance used for raising and lowering persons or goods by means of a car or platform the movement of which in a vertical or approximately vertical direction is maintained by guides; and includes the supports, well, enclosures, car, and all the mechanical and electrical apparatus required in connection with the operation and safety of a lift:

20
25 "Machinery" means any prime mover or transmission machinery and any machine or appliance to which the motion of a prime mover is transmitted; but does not include any machinery excluded from the provisions of this Act pursuant to section *three* hereof:

30 "Minister" means the Minister of Labour:

"Owner", in relation to any machinery, includes the mortgagee or lessee thereof, and any engineer, overseer, foreman, agent, or person in charge or having or apparently having the control or management of the machinery:

35 "Premises" includes any yard, place, house, or building, and any farm, paddock, field, road, or place, in which any machinery is kept, worked, or used, or is in operation:

40 "Prime mover" means an engine, motor, or other appliance which provides mechanical energy derived from steam, water, wind, electricity, gas, gaseous products, compressed air, the combustion of fuel, or any other source:

45 "Secretary" means the Secretary of Labour:

50 "Transmission machinery" means any shaft, wheel, drum, pulley, system of fast and loose pulleys, gearing, coupling, clutch, driving belt, chain, rope, band, or other device by which the motion of a prime mover is transmitted to or received by any machine or appliance:

“ Winding engine ” means any machine by means whereof persons are drawn up, down, or along any shaft, pit, or inclined plane or level in any mine or coal mine, or by means whereof material is raised or lowered when a shaft is being sunk in any mine or coal mine. 5

Exceptions from Act

Machinery to which Act does not apply.

1949, No. 7

3. (1) Nothing in this Act shall apply to—

- (a) Any boiler, lift, crane, hoist, winding engine, or steam engine: 10
- (b) Any machinery driven solely by manual or animal power:
- (c) The motor of any motor vehicle within the meaning of the Transport Act, 1949, unless the motor is used for a purpose other than that of propelling the vehicle: 15
- (d) Any machinery the motive power of which does not exceed one horsepower unless the machinery is declared by the Governor-General by Order in Council to be subject to the provisions of this Act: 20
- (e) Any machinery that is declared by the Governor-General by Order in Council not to be subject to the provisions of this Act.

(2) Any Order in Council under paragraph (d) or paragraph (e) of subsection *one* of this section may from time to time be amended or revoked and may apply generally to any particular class of machinery irrespective of the purpose for which it is used, or to any such machinery only while used exclusively for any specified purpose or purposes. 30

(3) With the exception of sections *fifteen to twenty-one* hereof, nothing in this Act shall apply to any machinery the motive power of which does not exceed six horsepower, used exclusively for farming purposes. 35

Act not to apply to steamships, tramways, &c.
See Reprint of Statutes, Vol. VIII, p. 249
Ibid., p. 754

4. Nothing in this Act shall prejudice or in any way interfere with the powers of inspection and regulation of steamships, and the machinery thereof, contained in the Shipping and Seamen Act, 1908, or the powers of inspection and regulation of machinery contained in the Tramways Act, 1908, or the powers of inspection and regulation of machinery contained in the *Boilers, Lifts, and Cranes Act, 1950*, or any other Act. 40

Inspection

5. (1) There may from time to time be appointed as officers of the Public Service such Inspectors as may be required for the purposes of this Act.

Appointment of Inspectors.

5 (2) Every Inspector of Factories under the Factories Act, 1946, every Inspector of Scaffolding under the Scaffolding and Excavation Act, 1922, and every Inspector under the Bush Workers Act, 1945, shall have all the powers of an Inspector under this Act.

1946, No. 43

See Reprint of Statutes, Vol. VIII, p. 1241

1945, No. 27

10 6. (1) Every Inspector may—

Powers of Inspectors.

15 (a) Enter, inspect, and examine any premises at all reasonable hours by day or night if he has reasonable cause to believe that machinery therein is in use or working, and enter, inspect, and examine by day any premises if he has reasonable cause to believe that machinery is kept therein:

20 (b) Take with him in either case a constable or any person he may think competent to assist him in the execution of his duty:

25 (c) Require the production of any record or other document which the owner is by this Act required to keep, and inspect, examine, and copy the same:

(d) Make such examination and inquiry as he deems necessary in order to ascertain whether the provisions of this Act are complied with:

30 (e) Examine with respect to matters under this Act, either alone or in the presence of any other person, as he thinks fit, every person whom he finds in any premises, and require any such person to make and sign a statutory declaration as to the matters with respect to which he is so examined:

35 (f) Require the owner to explain the working of the machinery:

(g) Exercise such other powers and authorities as may be necessary for carrying this Act into effect.

40 (2) No person shall on an examination or inquiry by an Inspector under this section be required to answer any question tending to incriminate himself.

- Non-disclosure of information. **7.** Except for the purposes of this Act and the exercise of his functions under this Act, an Inspector shall not disclose to any person any information which in the exercise of those functions he acquires with respect to any machinery. **5**
- Owners to allow entry and inspection. **8.** The owner and his agents and servants shall at all times furnish the means required by any Inspector for an entry, inspection, examination, and inquiry or the exercise of any other powers under this Act.
- Obstruction of Inspector. **9.** Every person commits an offence against this Act who— **10**
- (a) Without reasonable cause delays an Inspector in the exercise of any of his powers or duties under this Act; or
 - (b) Fails to produce any document which he is required under this Act to produce; or **15**
 - (c) Wilfully obstructs an Inspector in the exercise of any duty under this Act; or
 - (d) Conceals or prevents or attempts to conceal or prevent any person from appearing before and being examined by an Inspector. **20**
- Inspector's certificate of appointment. **10.** Every Inspector shall be furnished with a certificate of his appointment, and on applying for admission to any premises for any of the purposes of this Act he shall, if required, produce the certificate to the owner. **25**
- False certificate. **11.** Every person who forges or counterfeits any such certificate, or makes use of any forged, counterfeited, or false certificate, or impersonates the Inspector named in any certificate, or falsely pretends to be an Inspector, commits an offence against this Act and shall be liable on summary conviction to imprisonment for a term not exceeding six months. **30**

Employment of Women and Young Persons

- Women and young persons not to be employed in certain cases. **12.** (1) No person under the age of fifteen years shall be employed in working or assisting to work at or with any machinery. **35**
- (2) No woman and no other person under the age of eighteen years shall be allowed to clean any part of the gearing of any machinery while it is in motion, or to work between the fixed and traversing part of any self acting machine while the traversing part is in motion by the action of mechanical power. **40**

(3) No gas or oil engine shall at any time be left in charge or control of any person unless in the case of a male he is at least eighteen years of age, or in the case of a female she is at least twenty years of age.

5 *Duties and Liabilities of Owners of Machinery*

13. Every person who becomes the owner of any machinery shall within one month thereafter send to the Inspector for the time being in charge of the district where the machinery is, or in which it is intended to use, keep, or work the machinery, a notice stating the name of the owner, the place or town where the machinery is erected, kept, or intended to be used, the nature and kind of the machinery, and the nature and amount of the motive power thereof.
14. (1) Where a person sells or absolutely disposes of any machinery to any person, the seller or person making the disposition shall forthwith give notice to an Inspector stating the name, occupation, and abode of the person to whom the sale or disposition has been made.
- 20 (2) Where machinery is let on hire, or for a certain term, or to be returned to the owner, a similar notice shall in every such case be given to an Inspector by the lessor or owner in manner aforesaid.

Persons having machinery subject to Act to notify Inspector.

Notice of sale, &c., of machinery.

Safety Provisions

- 25 15. (1) Subject to the provisions of subsection *three* of this section, every flywheel directly connected to any prime mover, and every moving part of any prime mover, shall be securely fenced.
- 30 (2) The head and tail race of every water wheel and of every water turbine shall be securely fenced.
- 35 (3) Every part of every electric generator, electric motor, and electric rotary converter, and every flywheel directly connected thereto, shall be securely fenced unless it is in such a position or of such construction as to be as safe to every person employed or working on the premises where the machinery is situated as it would be if securely fenced.
- 40 16. (1) Every part of any transmission machinery shall be securely fenced unless it is in such a position or of such construction as to be as safe to every person employed or working on the premises as it would be if securely fenced.

Guarding of prime movers.

Guarding of transmission machinery.

(2) Where belts or pulleys are used in connection with any machinery, the machinery shall be furnished with belt shifters or other safe mechanical contrivances for the purpose of moving the belts to and from fast and loose pulleys, and any such contrivances shall be so constructed, placed, and maintained as to prevent the driving belt from creeping back on to the fast pulley. 5

(3) No driving belt shall be allowed when not in use to rest or ride upon a revolving shaft which forms part of the transmission machinery. 10

(4) Efficient devices or appliances shall be provided and maintained in every room or place where work is carried on by which the power can promptly be cut off from the transmission machinery in that room or place.

Guarding of
other
machinery.

17. (1) Every dangerous part of any machinery other than prime movers and transmission machinery shall be securely fenced unless it is in such a position or of such construction as to be as safe to every person employed or working on the premises as it would be if securely fenced: 15 20

Provided that in so far as the safety of a dangerous part of any machinery cannot by reason of the nature of the operation be secured by means of a fixed guard, the requirements of this subsection shall be deemed to have been complied with if a device is provided which automatically prevents the operator from coming into contact with that part. 25

(2) Any part of a stock bar which projects beyond the head stock of a lathe shall be securely fenced unless it is in such a position as to be as safe to every person employed or working on the premises as it would be if securely fenced. 30

(3) Every machine shall be soundly constructed of proper materials.

Safeguards not
to be removed.

18. No safeguard shall be removed from any machinery to which it relates except for the purpose of making repairs, and in any such case the safeguard shall be replaced as soon as the repairs are effected; and the machinery shall not be used until the safeguard has been replaced. 35 40

Restriction
on use of
machinery if
person exposed
to risk
of injury.

19. No person shall clean or carry out any examination, lubrication, or adjustment of any part of any machinery if that person would thereby be exposed to risk of injury from any moving part either of that machinery or of any adjacent machinery. 45

20. (1) If an Inspector considers any machinery to be unsafe, he may prohibit its use by affixing to it a notice under his hand containing the words "The use of this [Name of machine] is prohibited as being unsafe".

Faulty, defective, and insufficiently guarded machinery.

5 (2) Any such notice shall not be removed except by the Inspector, who shall first be satisfied that the machine has been rendered safe. Until the notice is removed by the Inspector the owner shall not use, sell, hire, or part with the possession of the machine.

10 (3) If any owner considers any notice under this section to be unreasonable he may appeal under section *twenty-six* of this Act.

15 (4) For the purposes of this section the term "owner" includes (in addition to the persons included in that term by virtue of the definition in section *two* of this Act), every person who for the time being is in possession of any machinery.

20 **21.** In any case where in the opinion of an Inspector any provision of this Act is not being observed or complied with or is being insufficiently observed or complied with, or in any case where in the opinion of an Inspector there is any defect whatsoever in any machinery, the Inspector may, by requisition to the owner, require that the requirements of this Act be duly and properly observed and complied with, or, as the case may be, that the defect be remedied to the satisfaction of the Inspector.

Requisitions by Inspectors.

25 **22.** (1) Where any person is killed or suffers serious bodily injury as the result of an accident caused by machinery, the owner of the machinery shall within **30** forty-eight hours after the accident send notice thereof to an Inspector at his office or usual place of residence.

Inspector to be notified of accident.

35 (2) As soon as practicable after receiving any such notice or otherwise becoming aware of any such accident the Inspector, or some other Inspector, shall go to the place where the accident occurred and make such inquiry as he thinks fit as to the cause of the accident, and for that purpose may examine the owner of the machinery and all persons employed about the machinery, and shall **40** report to the Secretary the result of the inquiry.

(3) It shall not be lawful for any person to do any act likely to prevent the discovery of the cause of the accident until the Inspector has visited the scene thereof and completed his inquiry:

Provided that nothing in this subsection shall prohibit the owner from doing anything reasonably necessary to prevent further damage or injury to any person or property.

(4) Every person commits an offence against this Act who— 5

(a) Fails to give the notice required by subsection *one* of this section; or

(b) Except as authorized in the proviso to subsection *three* of this section, does or causes to be done any act likely to prevent the discovery of the cause of the accident. 10

(5) Where a notice is required to be given under section fifty-two of the Factories Act, 1946, section fourteen of the Bush Workers Act, 1945, or section nine of the Scaffolding and Excavation Act, 1922, of any accident in respect of which a notice is required to be given under this section, a notice given under any of the aforesaid sections shall, for the purposes of this section, be deemed to be a notice given under this section. 15 20

23. (1) In the event of an accident happening to any machinery, or where, by reason of any such accident, any person is killed or suffers serious bodily injury, the Minister may direct an inquiry to be held before a Magistrate, together with a person skilled in the use and construction of the machinery to be appointed by the Minister. 25

(2) The Magistrate, together with the said person, shall have power to hold the inquiry at such times and places as the Minister appoints, and shall report on the cause of the accident to the Minister. 30

(3) With respect to the summoning and attendance of witnesses at or upon any such inquiry, and the examination of witnesses upon oath, every such Magistrate shall have all the powers which he would have or might exercise in any case within his ordinary jurisdiction under the Justices of the Peace Act, 1927. 35

(4) For the purposes of this section and of section *twenty-two* of this Act the expression "serious bodily injury" means an injury which is likely to incapacitate the sufferer for work for at least forty-eight hours. 40

24. (1) The owner shall keep a register in the prescribed form and shall enter in or attach to the register the prescribed particulars relating to every accident which occurs in connection with his machinery and of which he has knowledge. 45

1946, No. 43
1945, No. 27
See Reprint
of Statutes,
Vol. VIII,
p. 1241

Inquiry into
cause of
accident.

Ibid., Vol. II,
p. 351

Record of
accidents.

(2) Where the owner keeps a register in accordance with section seventeen of the Factories Act, 1946, he shall not be required to keep a register under this section in respect of any accident that occurs in connection with machinery to which that Act applies. 1946, No. 43

Procedure as to Requisitions by Inspector

25. (1) Every requisition by an Inspector under this Act shall be in writing under the hand of the Inspector. Form and service of requisitions.

(2) A requisition may be addressed to and served on the owner under his usual business name or style.

(3) A requisition may be served either by delivering it to any person who comes within the definition of the term "owner" in section two of this Act, or by posting it by registered letter addressed to the owner at his usual place of business. A requisition so posted shall be deemed to have been served at the time when the registered letter would in the ordinary course of post be delivered.

26. (1) If any owner considers any requisition by an Inspector to be unreasonable, he may appeal to a Magistrate by filing in the Magistrate's Court nearest to his place of business a notice of appeal in the prescribed form, setting forth with reasonable particularity the grounds of the appeal. A copy of the notice of appeal shall be served on the Inspector. Appeals against requisitions.

(2) The appeal shall be void unless the notice of appeal is duly filed as aforesaid within fourteen days after the date of service of the requisition.

(3) Upon the notice of appeal being duly filed the Magistrate shall fix a time and place for the hearing of the appeal, being the earliest convenient time, and the Registrar of the Court shall, by notice in the prescribed form, notify the appellant and the Inspector of the time and place fixed for the hearing of the appeal.

(4) On the hearing of the appeal the Magistrate may, by order, confirm, reverse, or modify the requisition, as he thinks fit, and the order shall be final and binding on all parties.

Offences, Penalties, and Procedure

27. (1) In every case where under this Act any requirement, obligation, rule, or provision is imposed or enacted or required to be observed with respect to or in Offences.

connection with any machinery, the owner shall cause the requirement, obligation, rule, or provision to be duly and faithfully complied with or observed, and if the requirement, obligation, rule, or provision is not duly and faithfully complied with or observed the owner commits an offence against this Act. 5

(2) In any case where under this Act any requisition of an Inspector is served on an owner and the requisition is not duly complied with within such time as may be fixed by the requisition or by the Magistrate on an appeal, or, if no time for compliance is so fixed, within a reasonable time, the owner commits an offence against this Act. 10

When owners and mortgagees not liable.

28. (1) Subject to the provisions of section *twenty* of this Act no person shall be liable to the provisions of this Act as an owner of machinery unless the same is under his immediate power or control, nor shall any mortgagee of machinery be so liable unless he is in actual possession thereof or has the same under his immediate power or control. 15 20

(2) For the purposes of this section machinery shall be deemed to be under the immediate power or control of a person when the machinery is worked or used by that person personally, or by his agents, servants, or others under his orders or directions, and for his benefit or profit. 25

(3) Nothing in this section shall exempt any corporate body from liability under this Act by reason only that any machinery is under the control of any director, secretary, manager, or other person elected or employed by the corporate body for the benefit of or on behalf of that body. 30

Fine where no specific penalty provided.

29. Every person who commits any offence against this Act or any regulation made thereunder for which no specific penalty is elsewhere provided shall be liable on summary conviction to a fine not exceeding twenty-five pounds for each such offence, and if the offence is a continuing one, to a further fine not exceeding five pounds for each day on which the offence continues. 35

Application of part of fine to person injured.

30. Any Magistrate imposing any fine under this Act may, if he thinks fit, direct that a part, not exceeding a half thereof, shall be applied to compensate any person for any bodily injury or damage sustained by him by reason of the default in respect of which the fine is imposed. 40 45

31. (1) In any proceedings in respect of the contravention of or non-compliance with any requirement, obligation, rule, or provision under this Act the Magistrate, in addition to or instead of imposing a fine, may by order require the defendant to do any specified work or to adopt any specified means for the purpose of preventing the further contravention of or non-compliance with the requirement, obligation, rule, or provision, and may specify a time within which the order shall be obeyed. The time so specified may from time to time be extended by the Magistrate on the application of the defendant.

Power to order
contravention
to be remedied.

(2) If the Magistrate makes the order instead of imposing a fine, he shall adjourn the proceedings until the expiry of the time specified in the order. If the order is duly obeyed, he may, if he thinks fit, impose no penalty in respect of the offence.

(3) If default is made in duly obeying the order within the time or extended time specified in that behalf, the defendant commits an offence against this Act and shall be liable to a fine not exceeding five pounds for every day during which the default continues.

32. Every person commits an offence against this Act and shall be liable to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, who—

Forging of
certificates, &c.

(a) Forges, counterfeits, or fraudulently alters any certificate, consent, notice, requisition, or other document which an Inspector is authorized to give or issue under this Act; or

(b) Uses any such document knowing it to be forged, counterfeited, or fraudulently altered; or

(c) Personates any person named in any such document; or

(d) Wilfully makes any false entry in any register, notice, or book required or authorized under this Act; or

(e) Gives, issues, or uses any certificate, consent, notice, or other document under this Act knowing it to be untrue in any material particular.

Owner may have
actual offender
charged.

33. (1) Where an owner is charged with an offence under this Act he shall be entitled, upon information duly laid by him, to have any other person whom he alleges to be the actual offender brought before the Magistrate on the same charge; and to enable both charges to be heard together the charges against the owner may be adjourned for such time as the Magistrate thinks reasonable. 5

(2) In any such case, if the charges are heard together and the offence is proved but the Magistrate finds that— 10

(a) The offence was committed in fact by the said other person, without the knowledge, consent, or connivance of the owner; and

(b) That the owner had done all that could reasonably be expected of him to prevent the offence— 15

that other person shall be convicted of the offence, and the owner shall not be guilty of the offence.

(3) If, before the commencement of any proceedings against the owner in respect of any offence under this Act, the Inspector is satisfied that if any other person were charged with the offence under the foregoing provisions of this section that other person would be convicted of the offence, the Inspector shall proceed against the person whom he believes to be the actual offender without first proceeding against the owner. In any such case the provisions of subsection *two* of this section shall, with the necessary modifications, apply, notwithstanding that no proceedings have been commenced against the owner. 20 25 30

Proceedings to
be before
Magistrate
alone.

34. (1) All proceedings in respect of offences or matters of complaint under this Act shall be taken in a summary manner and shall be heard before a Magistrate alone. 35

(2) Except as provided in section *thirty-three* of this Act, all such proceedings as aforesaid shall be taken only on the information or complaint of an Inspector.

Provisions as
to procedure.

35. (1) An Inspector who lays an information or makes a complaint in respect of any offence or matter under this Act shall not be called on to prove that he is an Inspector. Any such information or complaint may be proceeded with and conducted by the same or any other Inspector or by any person permitted by the Magistrate to conduct the same. 40 45

(2) In any proceedings under this Act it shall be sufficient in the information or complaint to state the name of the ostensible owner, or the style or title under which the owner is usually known or carries on business.

5 Any information or complaint may from time to time be amended by the Magistrate as to the actual name of the defendant.

(3) In any proceedings under this Act it shall lie upon the defendant to bring himself under any exemption, proviso, excuse, or qualification; and it shall not be
10 necessary for the same to be negatived in the information or complaint.

(4) A defendant may, except in proceedings under section *thirty-two* of this Act, be called by the Inspector, and shall be compellable to give evidence as a defendant
15 in a civil action is compellable.

(5) Several charges or complaints against the same person, or several charges pursuant to section *thirty-three* of this Act, may be heard together if the Magistrate
20 thinks fit so to hear them, and charges or complaints against several persons may be so heard with the consent of the parties if the Magistrate so orders; and in all such cases a witness sworn to give evidence respecting one charge or complaint shall for all purposes be deemed
25 a witness in respect of each charge or complaint.

(6) In any proceedings on an information any order which the Magistrate is empowered to make may be made without a complaint being made, notwithstanding anything to the contrary in the foregoing provisions of
30 this Act.

(7) In any proceedings under this Act ten days' notice of the day fixed for the hearing shall be given; and if the defendant intends to bring forward any person skilled in the construction of the machinery as a witness
35 at the hearing of the case he shall give notice of that intention to the inspector at least forty-eight hours before the hearing of the case.

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

Miscellaneous Provisions

Matters may be completed by different Inspectors.

36. Notwithstanding anything to the contrary in the foregoing provisions of this Act, if an Inspector has issued any requisition or given any direction, exemption, authorization, or consent, whether upon or subject to any conditions or not, the same or any other Inspector may withdraw the requisition or take further steps thereon, or revoke or from time to time vary the direction, exemption, authorization, or consent, or any condition upon or subject to which it has been given.

Responsibility of owners, &c., maintained.

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

Service of notices, &c.

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

Regulations.

39. (1) The Governor-General from time to time, by Order in Council, may make regulations for any purpose for which regulations are contemplated or required by this Act, and may make all such other regulations as may in his opinion be necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof.

(2) All regulations under this Act shall be laid before Parliament within twenty-eight days after the making thereof if Parliament is then in session, and if not, shall be laid before Parliament within twenty-eight days after the commencement of the next ensuing session.

Savings.
See Reprint of Statutes, Vol. V, p. 527

40. (1) All proceedings commenced under the Inspection of Machinery Act, 1928, and relating to machinery to which this Act applies may be continued and completed under this Act.

(2) Any requirement relating to machinery to which this Act applies made by an Inspector appointed under the Inspection of Machinery Act, 1928, and subsisting or in force at the commencement of this Act, shall enure for the purposes of this Act as if the requirement had been made under this Act.

Act to be administered by Labour Department.

41. (1) This Act shall be administered by the Department of Labour established under the Labour Department Act, 1908.

Ibid., Vol. VIII, p. 1175
1936, No. 4

(2) Section two of the Labour Department Amendment Act, 1936, shall apply in all respects as if this Act were one of the Acts specified in the First Schedule to that Act.