

Hon. Mr. Robertson

WATCHMAKERS REGISTRATION

ANALYSIS

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A BILL INTITULED

AN ACT to provide for the Registration of Watch- Title.
makers.

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

1. This Act may be cited as the Watchmakers Short Title.
Registration Act, 1947, and shall come into operation
on the *first* day of June, nineteen hundred and forty-
10 *eight*.

Interpretation.

2. In this Act, if not inconsistent with the context,—

“ Board ” means the Watchmakers Registration Board of New Zealand constituted under this Act: 5

“ Chairman ” means the Chairman for the time being of the Board:

“ Watchmaker ” means and includes any person engaged in making, assembling, fitting, repairing, cleaning, or adjusting the mechanism of watches, clocks, chronometers, time (and other) recorders, or mechanical time-pieces: 10

“ Minister ” means the Minister of Industries and Commerce: 15

“ Person ” includes a body corporate:

“ Registered watchmaker ” means a person registered under this Act.

Watchmakers' Board.

3. (1) There is hereby established a Board, to be called the Watchmakers' Board of New Zealand, which shall consist of the following members, namely:— 20

(a) An officer of the Department of Industries and Commerce appointed by the Minister, who shall be the Chairman; 25

(b) Two registered watchmakers, being persons for the time being registered under this Act, who shall be appointed by the Minister on the nomination of the New Zealand Horological Institute, Incorporated; and 30

(c) Two registered watchmakers, being persons for the time being registered under this Act, who shall be elected by the persons for the time being registered under this Act.

(2) With respect to the members appointed under paragraph (b) of the *last preceding* subsection, the following provisions shall apply:— 35

(a) They shall be nominated under the seal of the said Institute and their names approved under the hand of the Minister: 40

(b) On their appointment their names shall be gazetted:

- (c) The members so appointed shall hold office for a term of *three* years from the date of the publication of the *Gazette* notifying their appointment:
- 5 (d) If any such member dies, or by writing addressed to the Chairman resigns his office, or fails without consent of the Board to attend *three* consecutive meetings of the Board, his office shall become vacant, and
- 10 the Minister shall, on the nomination of the said Institute, appoint some other qualified person in his stead, who shall hold office for the residue of the period during which the vacating member would have held it if the
- 15 vacancy had not occurred.
- (3) With respect to the members elected under paragraph (b) of subsection *one* of this section the following provisions shall apply:—
- (a) Elections shall be held in the manner pre-
- 20 scribed by regulations:
- (b) The names of the persons from time to time elected shall be gazetted:
- (c) The members so elected shall hold office for
- 25 a term of *three* years from the date of the publication of the *Gazette* notifying their election:
- (d) If any such member dies, or by writing
- 30 addressed to the Chairman resigns his office, or fails without the consent of the Board to attend *three* consecutive meetings of the Board, his office shall become vacant, and the Governor-General may appoint some other
- 35 qualified person in his stead, who shall hold office for the residue of the period during which the vacating member would have held it if the vacancy had not occurred.
4. (1) The Board shall meet for the conduct of its business at such times and places as may from time to time be fixed by the Board by rules to be made by
- 40 it in that behalf.

Meetings of Board.

(2) Notice of the time and place of every such meeting, signed by the Chairman, shall be sent to every member of the Board at least seven clear days before.

(3) The Board may regulate its own procedure in such manner as it thinks fit. 5

When Board
may appoint
Chairman.

5. If at any meeting of the Board the Chairman is not present, the Board shall appoint some member present to act as Chairman in respect of that meeting, and the person so appointed shall have and may exercise all the powers and functions of the Chairman for the purposes of that meeting. 10

Quorum.

6. (1) At any meeting of the Board three members shall form a quorum.

(2) Every question before the Board shall be determined by a majority of the votes of the members present at the meeting of the Board. 15

(3) The Chairman of the Board shall have a deliberative vote, and, in the case of an equality of votes, shall have a casting vote. 20

Fees and
allowances.

7. The Board may from time to time pay to members of the Board out of its funds such fees and allowances as the Minister shall approve.

Officers of
Board.

8. The Board may from time to time appoint a Secretary and other officers or servants as it deems necessary for the efficient exercise of its functions. 25

Provisional
registration as
watchmaker.

9. (1) Every person shall be entitled to provisional registration as a watchmaker under this Act who, within *three* months after the coming into operation of this Act, by statutory declaration, satisfies an officer of the Department of Industries and Commerce appointed by the Minister,— 30

(a) That for three years immediately prior to the passing of this Act he has practised the trade or craft, whether as master or journeyman, of a maker, assembler, and repairer of watches, clocks, and other mechanical timepieces: 35

(b) He has at any time served an apprenticeship of not less than five years in the said trade or craft: 40

(c) That, being an ex-serviceman as defined by the Rehabilitation Act, 1941, and its amendments, he had completed a course of instruction of not less than three years in the said craft.

5 (2) The officer mentioned in the *last preceding* subsection shall compile a register of such persons as shall so satisfy him, and such register shall be conclusive of the right of any person so to be registered.

(3) The persons entered in such provisional register shall be the registered watchmakers entitled to vote and qualified for election at the first election of the Board.

On the compilation of the register mentioned in the *next succeeding* section the provisional register shall be closed and registration thereunder shall cease to have effect.

10 10. (1) Every person of good repute shall, subject to the payment of the prescribed fees, be entitled to registration as a watchmaker under this Act who
20 satisfies the Board—

Qualifications
for
registration.

(a) That his name is properly entered in the provisional register. The Board when so satisfied shall transfer his name from the provisional register to the register; or

25 (b) That he is the holder of a certificate that he has passed such examinations, both practical and theoretical, as may be approved by the Board or prescribed by regulation; or

30 (c) That, not being properly entered in the provisional register and not being the holder of a certificate as defined in paragraph (b) he is at the time of the commencement of this Act fully competent to exercise the craft or trade of a watchmaker:

35 Provided that application for registration under this paragraph (c) shall be made within twelve months from the coming into operation of this Act or the time of making a regulation under this section of the Act,
40 as the case may be.

(2) The Board or the responsible officer, as the case may be, shall, in making entries in the Register of Watchmakers hereinafter referred to, include the name and address of every person registered, and distinguish between persons registered under paragraphs (a), (b), and (c) respectively of subsection one of this section. 5

Register of watchmakers.

11. (1) The Board shall, on being satisfied that any person is entitled to registration under this Act, cause the name of that person to be entered in a book to be kept by the Chairman at the principal office of the Department of Industries and Commerce, and called the Register of Watchmakers of New Zealand. 10

(2) Such register shall at all reasonable times be open to inspection by the public. 15

Certificates of registration.

12. The Chairman or the Secretary of the Board shall, on application in that behalf made to him at any time by any registered watchmaker, issue to such person a certificate of registration.

Appeals.

13. Any person aggrieved by any decision of the Board refusing to cause his name to be entered in the register, or by any decision of the Board removing his name from the register, may, within three months after such refusal or removal, appeal in the prescribed manner to a Magistrate, and two assessors, who or a majority of whom, including the Magistrate, may make such order as they think just, and such order shall have effect accordingly. One of the assessors shall be appointed by the Board and the other shall be appointed by the appellant. 20 25 30

Penalty for wrongly procuring registration.

14. Every person who wilfully makes or causes to be made any false entry in or falsification of the register, or procures or attempts to procure himself or any other person to be registered under this Act by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either orally or in writing, commits an offence and shall be liable on summary conviction to imprisonment for *twelve* months or to a fine of *fifty* pounds. 35 40

15. (1) The Registrar may at any time, and shall if the Board so directs, send to any registered watchmaker, by registered letter addressed to him at his address as appearing on the register, an inquiry as to whether or not he desires to have his name retained on the register.

Name to be removed from register if watchmaker cannot be found, &c.

(2) If no reply is received to that letter within three months from the posting thereof, or if the letter is not delivered and is returned to the Registrar, the Registrar shall, if the Board so directs, remove from the register the name of the watchmaker to whom the letter was sent.

(3) Any person whose name is removed from the register under this section may apply to the Registrar to have his name restored to the register, and on payment of the prescribed fee his name shall be restored to the register accordingly.

16. (1) If any annual fee payable by a registered watchmaker under this Act is not paid within three months after it is due, the Registrar shall, if the Board so directs, remove the name of such registered watchmaker from the register.

Removal of name from register for non-payment of annual fee.

(2) Any person whose name is removed from the register under this section may apply to the Registrar to have his name restored to the register, and on payment of the prescribed fee and of all membership fees payable by him his name shall be restored to the register accordingly.

17. The Board may cause the name of any person to be removed from the register if it is satisfied after inquiry as hereinafter provided, but not otherwise—

Removal of name from register for misconduct, &c.

(a) That he has been guilty of such improper conduct in relation to his trade or craft as a watchmaker as to render him, in the opinion of the Board, unfit to be registered under this Act;

(b) That he has been convicted of an offence involving dishonesty punishable by imprisonment for a term of one year or upwards; or

(c) That his name has been registered in error.

Offences.

18. (1) Every person commits an offence who, not being registered under this Act, uses, or causes or permits to be used, the words "registered watchmaker" or any other written words, letters, or initials or any abbreviations thereof which are intended to cause or many reasonably cause any person to believe that he is registered under this Act as a watchmaker or is registered under this (or any other) Act as qualified to perform all or any of the operations of making, assembling, fitting, repairing, cleaning, or adjusting any mechanical timepiece. 5 10

(2) Every person not being registered under this Act commits an offence who for reward undertakes, performs, or executes the making, assembling, fitting, repairing, cleaning, or adjusting the mechanism of watches, clocks, chronometers, time (and other) recorders, or mechanical timepieces: 15

Provided that the undertaking of such work shall not be deemed an offence if the person so undertaking it procures it to be done by a registered watchmaker, whether in his employ or not, the burden of showing which shall be upon him. 20

(3) Every person who commits any offence against any of the provisions of this Act or against any regulations under this Act for which no specific penalty is provided elsewhere than in this Act shall be liable on summary conviction to a fine of *twenty* pounds, and, in the case of a continuing offence, to a further fine of *two* pounds for every day on which the offence is committed. 25 30

Prosecutions to be before a Magistrate.

19. (1) All proceedings in respect of offences against this Act shall be taken before a Stipendiary Magistrate. 30

(2) Subject to the provisions of section thirteen of the Finance Act, 1927 (No. 2), all fines recovered in any such proceedings shall be paid into the Public Account to the credit of the Consolidated Fund. The Board shall be deemed to be a public body for the purposes of the said section thirteen. 35

Regulations.

20. (1) The Governor-General may from time to time, by Order in Council, make all such regulations as may in his opinion be necessary for giving due effect to the provisions of this Act and for the due administration thereof, in accordance with recommendations made by the Board and transmitted by the Board to the Minister. 40 45

(2) Without limiting the general power hereinbefore conferred, it is hereby declared that regulations may be made under this section for all or any of the following purposes:—

- 5 (a) Prescribing the forms of and the method of keeping the Register of Watchmakers:
- (b) Prescribing the forms of applications, certificates, and other documents required under this Act:
- 10 (c) Prescribing the examinations under this Act:
- (d) Prescribing the fees payable in respect of examinations and registration under this Act and in respect of the restoration of names after removal from the register and in respect of the issue of certificates or registration and for copies of certificates and for inspection of the register and of any other documents kept by the Board and open for inspection:
- 15 (e) Prescribing an annual fee in respect of registration under this Act:
- (f) Regulating the procedure of the Board:
- (g) Prescribing the manner of holding elections of members of the Board:
- 20 (h) Providing for the appointment of assessors, and regulating the conduct of appeals under this Act:
- 25 (i) For any purpose for which rules may be made under this Act.