

1965/213

THE AMUSEMENT DEVICES REGULATIONS 1965

BERNARD FERGUSSON, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 20th day of December 1965

Present:

THE RIGHT HON. KEITH HOLYOAKE, C.H., PRESIDING IN COUNCIL

PURSUANT to the Machinery Act 1950, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. (1) These regulations may be cited as the Amusement Devices Regulations 1965.

(2) These regulations shall come into force on the 1st day of September 1966.

2. In these regulations, unless the context otherwise requires,—

“The Act” means the Machinery Act 1950:

“Registered engineer” means an engineer who is registered as an engineer under the Engineers Registration Act 1924:

Expressions defined in the Act have the meanings so defined:

A reference to a numbered form is a reference to the form so numbered in the Schedule to these regulations.

3. These regulations are in addition to and not in derogation of any bylaw administered by a local authority relating to the erection or operation of an amusement device or the safety of any person using, or in the vicinity of, any such device.

4. (1) Application for registration of an amusement device under section 21A of the Act shall be made in form 1.

(2) The application shall be made to the Inspector of Machinery and shall be accompanied by:

(a) At least two photographs not less in picture size than 6 in. by 4 in., each showing the whole of the device and taken from different positions; and

(b) A certificate by a registered engineer that he has inspected the device and that in his opinion the design and construction of the device is such as to make it capable of supporting the maximum load it is designed to support and move safely at the speed or speeds at which it is designed to move; and

(c) A fee of £2.

(3) Every certificate under paragraph (b) of subclause (2) of this regulation shall contain a recommendation by the engineer by whom it was given as to the special conditions or requirements (if any) which he considers should be applicable for the purpose of ensuring that the device to which it relates can be operated without danger to persons operating or using the device or in the vicinity thereof.

(4) Each application shall be in respect of one amusement device only.

5. (1) If the Inspector is of the opinion that the application is in order, he shall issue a certificate of registration in form 2.

(2) Every certificate of registration may contain such special conditions or requirements as may be recommended by the engineer under subclause (3) of regulation 4 of these regulations for the purpose of ensuring that the device to which it relates can be operated without danger to persons operating or using the device or in the vicinity thereof, and the certificate of registration shall be subject to any such conditions or requirements.

6. (1) To each device registered there shall be allotted a registration number, which shall be recorded upon the certificate of registration.

(2) The owner of a registered amusement device shall cause to be affixed to the device, and to be at all times maintained in such a manner as to be clearly legible, the registration number allotted to the device under these regulations.

7. (1) Application to a local authority for a permit to operate an amusement device shall be made in form 3 and shall be accompanied by:

- (a) A current certificate of registration relating to the device; and
- (b) Evidence to the satisfaction of the local authority that the applicant is a party to a contract of insurance or indemnity in respect of his liability which may arise from any death or personal injury resulting from the erection, use, operation, partial failure, or collapse of the device and the receipt for the current premium for the contract of insurance or indemnity.

(2) Any contract of insurance or indemnity referred to in paragraph (b) of subclause (1) of this regulation shall be for a sum of not less than £10,000 in respect of each device.

8. (1) Every local authority to which an application for a permit to operate an amusement device is made shall grant the application if it is satisfied that:

- (a) The application is in order; and
- (b) The ground on which the device is erected is able to support the device without risk of subsidence; and
- (c) There is sufficient clearance between any part of the device and any fixed or moving objects in the vicinity thereof to prevent injury to any person when the device is in motion; and
- (d) The device has been erected and will be operated in accordance with any special conditions or requirements contained in the certificate of registration relating to the device.

(2) A permit issued by a local authority under subsection (7) of section 21A of the Act shall be in form 4.

9. (1) Application for renewal of a certificate of registration of an amusement device that has expired under subsection (5) of section 21A of the Act shall be made in form 5 and be accompanied by:

- (a) A certificate by a registered engineer that he has inspected the device within one month immediately before the date of the application and that in his opinion the device is in such condition as to be still capable of supporting the maximum load that it was designed to support and moving safely at the speed or speeds it was designed to move; and
- (b) A fee of £2.

(2) Where the Inspector is satisfied that the application for the renewal of a certificate of registration is in order, and that the applicant has complied with the terms and conditions of his certificate of registration, he shall issue a new certificate of registration and allot thereto the number allotted to the original certificate.

10. Where an amusement device is materially altered or is repaired after suffering damage necessitating repair by welding or by replacement of a load bearing part other than a bolt, the owner shall notify the inspector in form 6. The notice shall be accompanied by:

- (a) The certificate of registration; and
- (b) A certificate by a registered engineer that he has inspected the alteration or repair and that in his opinion the device is still capable of supporting the maximum load that it was designed to support at the speed or speeds it was designed to move or such other maximum load or speeds as he may specify in the certificate.

11. Every certificate given by a registered engineer under these regulations shall be in form 7 with such modifications as may be necessary having regard to the purpose for which the certificate is given.

12. Every officer or servant of a local authority who performs any duties pursuant to the Act or these regulations shall have such powers in respect of entry, inspection, examination, and production of documents as are necessary to enable him to perform his duties properly.

SCHEDULE

Forms

Form 1

Sec. 21A (3)

Reg. 4

Under the Machinery Act 1950

APPLICATION FOR REGISTRATION OF AN AMUSEMENT DEVICE

To the Inspector of Machinery,

I being the owner of an amusement device known as a (full name)

..... hereby make application for registration of the device. (type of device)

In support of this application I attach—

- (a) Two photographs not less in picture size than 6 in. by 4 in., each showing the whole of the device and taken from different positions:
- (b) A certificate from Mr a registered engineer who has inspected the device:
- (c) A fee of £2.

Dated at this day of 19.....

Signature.....
Address.....

SCHEDULE—continued

Form 2

Sec. 21A (4)

Reg. 5

Under the Machinery Act 1950

CERTIFICATE OF REGISTRATION OF AN AMUSEMENT DEVICE

This is to certify that an amusement device known as and owned by of has this day been registered by me in terms of the above mentioned Act and allotted No.

The erection and operation of this device is subject to the following special conditions specified by the registered engineer who has examined the device

Dated this day of 19.....

.....
Inspector of Machinery.

Form 3

Sec. 21A (6)

Reg. 7

Under the Machinery Act 1950

APPLICATION FOR A PERMIT TO OPERATE AN AMUSEMENT DEVICE

To (appropriate local authority),

Pursuant to the Machinery Act 1950 I of hereby make application for a permit to operate a at from to

I certify that, having regard to the situation in which the device is erected, it can be operated without danger to persons operating or using it or in its vicinity.

In support of this application I attach for your perusal—

- (a) The certificate of registration of the device:
- (b) Evidence showing existence of a contract of insurance in respect of any liability I may incur resulting from the erection, or operation of the device:
- (c) A receipt for the current premium of the said contract of insurance:

and tender the fee prescribed by the local bylaw.

Signed
Date.....

Form 4

Sec. 21A (7)

Reg. 8

Under the Machinery Act 1950

PERMIT TO OPERATE AN AMUSEMENT DEVICE

Permission is hereby given to of to operate an amusement device known as [Reg. No.] at from to

The permission herein contained is subject to the following special conditions being observed by the owner of the device

Dated at this day of 19.....

Signed
for Local Authority.

SCHEDULE—continued

Form 5

Sec. 21A (5)

Reg. 9

Under the Machinery Act 1950

APPLICATION FOR RENEWAL OF CERTIFICATE OF REGISTRATION OF AN AMUSEMENT DEVICE

To the Inspector of Machinery, I being the owner of an amusement device known as a which was registered on and bears registered number hereby make application for reregistration of the device.

In support of this application I attach—

(a) A certificate from Mr a registered engineer who has inspected the device:

(b) A fee of £2.

Dated at this day of 19.....

Signature

Address

Form 6

Sec. 21A (10)

Reg. 10

Under the Machinery Act 1950

NOTICE OF REPAIR OR ALTERATION TO AN AMUSEMENT DEVICE

To the Inspector of Machinery, I being the owner of an amusement device known as a which bears registration number hereby notify you that the following alteration/repair has been made to the device.

As required I attach—

(a) The current certificate of registration for the device:

(b) A certificate from Mr a registered engineer who has inspected the alteration/repair.

Signature

Address

Form 7

Sec. 21A (3)

Reg. 11

Under the Machinery Act 1950

CERTIFICATE OF EXAMINATION OF AMUSEMENT DEVICE

This is to certify that I have examined, an amusement device owned by and am of the opinion that the design and construction of the device is such that it is capable of supporting a maximum load of and moving safely in the manner it is designed to move provided the speed of movement does not exceed and provided also

(State any special requirements)

Dated at this day of 19.....

Signature.....

Registered Engineer.

Address.....

T. J. SHERRARD, Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations provide for the certification of amusement devices pursuant to section 21A of the Machinery Act 1950, as inserted by the Machinery Amendment Act 1963.

The regulations provide that applications for registration shall be accompanied by a certificate from an engineer that he has inspected the device and that it is safe. The certificate shall contain a recommendation as to any special conditions which should be applicable in respect of the device to ensure its safety. The certificate of registration will be subject to any such special conditions. Provision is also made for the issue of permits by local authorities, for the renewal of registrations, and for the inspection of amusement devices after material alteration.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 22 December 1965.

These regulations are administered in the Department of Labour.