

1970/31



THE CONSTRUCTION REGULATIONS 1961, AMENDMENT
NO. 5

ELIZABETH R.

ORDER IN COUNCIL

At the Court at Government House, Wellington, this 12th day of March
1970

Present:

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL

PURSUANT to the Construction Act 1959 and the Royal Powers Act 1953,
Her Majesty the Queen, acting by and with the advice and consent of
Her Executive Council, is pleased to make the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Construction Regulations 1961, Amendment No. 5, and shall be read together with and deemed part of the Construction Regulations 1961* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. Notifiable work—Regulation 5 of the principal regulations is hereby amended by omitting from paragraph (c) the words “6 ft”, and substituting the words “5 ft”.

3. Register of certificates of competency—Regulation 11 of the principal regulations is hereby amended by omitting from subclause (2) the words “and the register shall be available for inspection at any district office of the Labour Department”.

4. Maintenance and protection of working places—(1) Regulation 31 of the principal regulations is hereby amended by inserting in subclause (2), before the word “Openings”, the words “Perimeters of working places.”.

(2) The said regulation 31 is hereby further amended by adding the following subclause:

“(3) Every place where construction work is carried out that is more than 10 ft above ground and on which materials or tools are placed shall have closely fixed to its outer edge a toeboard of sufficient height and strength to prevent the materials or tools from falling off.”

*Reprinted with Amendments Nos. 1 to 3: S.R. 1968/67
Amendment No. 4: S.R. 1969/45

5. Protective helmet areas—The principal regulations are hereby further amended by inserting, after regulation 32, the following regulation:

“32A.(1) Any Inspector may by notice in writing given to the employer declare any area within which construction work is being carried out to be a protective helmet area. On receipt of such a notice the employer shall erect at every point of access to the protective helmet area a sign board bearing in easily legible lettering the words ‘protective helmet area’.

“(2) No person shall enter or be in a protective helmet area unless he is wearing a head protective helmet, whether or not work is being carried out.”

6. New regulation inserted—The principal regulations are hereby further amended by inserting, after regulation 34, the following regulation:

“34A. **Maintenance and protection of working places on roofs**—(1) No employer shall cause or permit any workman to walk over or work on, and no workman shall walk over or work on, any brittle roofing material unless there is affixed directly under the roofing adequate sarking, adequate metal mesh, or an approved safety net.

“(2) In this regulation, ‘brittle roofing material’ means corrugated, flat, or troughed asbestos, perspex, plastic material, glass, pinex, and any other material that cannot withstand the weight of a person without complete support.”

7. Guardrails, etc.—Regulation 44 of the principal regulations is hereby amended by omitting from subclause (1) the word “high”, and substituting the words “in height”.

8. Trenches—Regulation 78 of the principal regulations is hereby amended by omitting the words “and more than 8 ft in length”.

P. J. BROOKS,
Clerk of the Executive Council.

EXPLANATORY NOTE

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

Regulation 2 provides that excavations more than 5 ft deep will be notifiable. At present, only excavations more than 6 ft deep are notifiable.

Regulation 3 removes the requirement that registers of holders of certificates of competency are to be kept at district offices of the Labour Department.

Regulation 4, subclause (1) adds perimeters of working places to the places that must be provided with a guardrail or toeboard if there is a danger of a fall of persons or materials.

Subclause (2) provides that certain working places more than 10 ft above ground must have toeboards affixed to the outer edge.

Regulation 5 provides for certain areas to be declared protective helmet areas within which protective helmets must be worn.

Regulation 6 inserts new provisions relating to maintenance and protection of working places on brittle roofs.

Regulation 7 makes a minor drafting amendment.

Regulation 8 amends regulation 78 of the principal regulations. Regulation 78 requires trench excavations that are more than 5 ft deep and 8 ft in length to be timbered. The amendment extends the requirement to all trench excavations more than 5 ft deep, regardless of length.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 13 March 1970.

These regulations are administered in the Department of Labour.