

Serial Number 1948/163



**THE HEALTH (DRAINLAYERS' REGISTRATION)
REGULATIONS 1948**

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 13th day of
October, 1948

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Health Act, 1920, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS

PRELIMINARY

1. These regulations may be cited as the Health (Drainlayers' Registration) Regulations 1948.
2. These regulations shall come into force on the 1st day of April, 1949.
3. In these regulations, unless inconsistent with the context,—
 - “ District ” means a health district constituted under the Health Act, 1920 :
 - “ Drain ” means a drain or sewer, neither vested in nor under the control of nor maintained by a local authority :
 - “ Engineer ” means a person registered as an engineer under the Engineers Registration Act, 1924, and appointed engineer by a local authority :
 - “ Local authority ” means the Council of a borough, the Board of a town district not forming part of a county, the Council of a county, the Board of a road district in a county in which the Counties Act, 1920, is suspended or is not in force, the Auckland Metropolitan Drainage Board, the Christchurch Drainage Board, or the Dunedin Drainage and Sewerage Board :
 - “ Registered drainlayer ” means a drainlayer registered under these regulations :
 - “ Sewer ” means every sewer or drain vested in or under the control of or maintained by a local authority :
 - “ Sewage-tank ” means a fixed receptacle for the reception and disintegration of the solid matters in sewage, and includes a septic tank.

4. In these regulations, unless inconsistent with the context, other words and expressions shall have the meanings assigned to them by the Health Act, 1920.

5. (1) The following portions of the Drainage and Plumbing Regulations* are hereby revoked:—

- (a) Regulation 5 :
- (b) The words “ a drainlayer or of ” where those words appear in clauses (1) and (2) of Regulation 7 :
- (c) The words “ a drainlayer or as ” where those words appear in clause (2) of Regulation 7 and three times in clause (4) of Regulation 7 :
- (d) The words “ a drainlayer or to ” where those words appear in clause (5) of Regulation 7 :
- (e) The words “ Drainlayer or ” and “ or drainlayer ” where those words appear in forms Nos. 1 and 2 of the First Schedule.

(2) All other references in the Drainage and Plumbing Regulations (including forms Nos. 3, 4, and 5 of the First Schedule thereto) to a drainlayer or licensed drainlayer (or master drainlayer or journeyman drainlayer) shall be deemed references to a registered drainlayer registered under these regulations.

EXAMINATION

6. Each candidate for examination in drainlaying shall make application in the form No. 1 in the Schedule hereto at such time as he chooses and to such one as he chooses of the following persons:—

- (a) The Engineer of the Auckland Metropolitan Drainage Board :
- (b) The Engineer of the Christchurch Drainage Board :
- (c) The Engineer of the Dunedin Drainage and Sewerage Board :
- (d) The Engineer of any Borough Council in New Zealand :
- (e) Any Inspector of Health who is for the time being approved by the Director-General as an examiner in drainlaying :
- (f) Any other person who, being an officer of a local authority, is for the time being approved by the Director-General as an examiner in drainlaying.

7. Each candidate shall forward with his application for examination a fee of £1.

8. Each examination in drainlaying shall be both practical and oral, but otherwise shall be such as the examiner requires to enable him to ascertain whether the candidate is fit to perform the work of and be registered as a drainlayer.

9. Each examiner who passes a candidate shall give to such candidate, without further fee, a certificate in the form No. 2 in the Schedule hereto (hereinafter called an examination certificate).

REGISTRATION

10. Each Medical Officer of Health shall establish for the district controlled by him, and at all times keep at his District Health Office, a book to be called the “ Register of Drainlayers.”

11. Each person desiring registration or re-registration as a drainlayer shall make application in the form No. 3 in the Schedule hereto to a Medical Officer of Health, and shall forward with such application—

- (a) A fee of 5s. ; and

(b) Either—

- (i) His last or only examination certificate ; or
- (ii) His last or only registration certificate ; or
- (iii) His last or only drainlayer's licences or licence in any district or area under the Drainage and Plumbing Regulations or under any other enactment.

12. Each person shall be entitled to registration or re-registration as a drainlayer under these regulations who complies with Regulation 11 hereof and satisfies a Medical Officer of Health—

- (a) That he is the holder of an examination certificate obtained not more than four years prior to the date of his application for registration or re-registration ; or
- (b) That he is the holder of a registration certificate in any district or has been such a holder at some time not later than four years immediately preceding his application for registration or re-registration and that no such registration certificate bears more than two endorsements made during any two consecutive years ;
- (c) That at the time of coming into force of these regulations he was the holder of a licence as a drainlayer issued within the previous year by an authorized person in New Zealand :

Provided that first the application for registration under this paragraph shall be made within one year of the coming into force of these regulations, and secondly, if such licence has been endorsed, the Medical Officer of Health may, at his discretion, refuse registration unless and until the applicant passes an examination under these regulations and produces an examination certificate as evidence thereof ; or

- (d) That, not being the holder of a licence as a drainlayer at the time of coming into force of these regulations, the applicant had for not less than two years during the five years preceding the coming into force of these regulations been the holder of a licence as a drainlayer issued by an authorized person in New Zealand and that no such licence had been the subject of endorsement and that in the opinion of the Medical Officer of Health there is no reasonable ground for refusing registration :

Provided that the application for registration under this paragraph shall be made within two years of the coming into force of these regulations.

13. The Medical Officer of Health, on being satisfied that any person has complied with Regulation 11 hereof and is entitled to be registered as a drainlayer, shall cause the name and address of such person to be entered in the Register of Drainlayers kept at his District Health Office, shall issue to such person a certificate of registration in the form No. 4 in the Schedule hereto (in these regulations called a registration certificate), and shall cancel and retain his examination certificate, if any.

14. Every registration certificate shall expire on the 31st day of March next following the date from which it takes effect.

15. If the Medical Officer of Health is of the opinion that any registered drainlayer has committed a breach of or failed to comply with any provision of any regulation or by-law governing drainlayers' work, he may demand and obtain from such person his registration

certificate and may endorse thereon and in the Register of Drainlayers kept at his District Health Office a note of such commission or failure and of the date of such commission or failure.

16. In the event of any registration certificate being endorsed and the holder applying for registration or re-registration for the next ensuing year in the same or another district, the Medical Officer of Health to whom application is made shall note every such endorsement on any registration certificate issued to such holder pursuant to such application and in the Register of Drainlayers kept at his District Health Office.

17. In the event of three such endorsements appearing on any registration certificate, the Medical Officer of Health who issued such registration certificate shall forthwith cancel and retain the same, and the person who formerly held such registration certificate shall not be registered or re-registered unless and until he later passes an examination under these regulations and produces an examination certificate as evidence thereof.

18. (1) No person shall make use of an examination certificate or a registration certificate to which he is not entitled and thereby falsely represent that he is entitled thereto.

(2) No person entitled to an examination certificate or a registration certificate shall knowingly permit any other person to make any false or improper use thereof. A Medical Officer of Health, on being satisfied that an examination certificate or a registration certificate has been so used, may demand from any person and obtain and shall forthwith cancel and retain such examination certificate or registration certificate, and the person who was formerly entitled thereto shall not be registered or re-registered unless and until he later passes an examination under these regulations and produces an examination certificate as evidence thereof.

19. In the event of a registration certificate being lost or destroyed or becoming from any cause illegible, the person entitled to the registration certificate shall forthwith pay the sum of 1s. for a duplicate to the Medical Officer of Health concerned, who, on being satisfied that the registration certificate is lost, destroyed, or illegible, shall issue a duplicate thereof.

AUTHORITY TO DO DRAINLAYING WORK

20. No person who is not the holder of a registration certificate shall do any of the following work :—

- (a) Lay any drain ;
- (b) Alter, reconstruct, extend, repair, open up, or remove any drain or fitting connected to any drain ;
- (c) Connect any drain to or disconnect any drain from any other drain or sewer or sewage-tank ;
- (d) Affix, repair, alter, or remove any gully-trap, disconnecting-trap, or other trap in connection with any drain, or sewer, or sewage-tank ;

21. A person who is the holder of a registration certificate shall be entitled to do drainlaying work anywhere in any district ; and no person who is the holder of a registration certificate shall be required, before doing any drainlaying work, to pass any examination otherwise than pursuant to these regulations or to obtain any licence from or to pay any licence fee to any local authority under any by-law made by that local authority.

22. Each person to whom a registration certificate has been issued shall immediately produce his registration certificate when required to do so by the person on whose behalf the work of a drainlayer is being done or by the officer appointed by the local authority to inspect such work.

PENAL

23. (1) Every person shall be deemed to commit a breach of these regulations and shall be guilty of an offence who—

- (a) Does or commits or attempts to do or commit any act, matter, or thing contrary to any of the provisions of these regulations ;
- (b) Fails or omits to do or provide anything which these regulations require to be done or to be provided by him ; or
- (c) Fails or omits to comply with any request or direction properly made or given under these regulations.

(2) Every person guilty of an offence against these regulations for which no penalty on summary conviction is provided elsewhere than in this regulation shall be liable on summary conviction to a fine not exceeding £20.

SCHEDULE

Form No. 1

APPLICATION FOR EXAMINATION IN DRAINLAYING

To the

I, [*Name in full*], of [*Address in full*], hereby apply, in accordance with Regulation 6 of the Health (Drainlayers' Registration) Regulations 1948, for examination in drainlaying, and I enclose herewith the specified fee of £1.

Dated this day of, 19..

Signature :

Form No. 2

CERTIFICATE OF HAVING PASSED A PRACTICAL AND ORAL EXAMINATION IN DRAINLAYING

I, [*Name in full*], (Engineer of), (Inspector of Health,) (other authorized person of), hereby certify that [*Name in full*], of [*Address in full*], has this day passed a practical and oral examination in drainlaying conducted by me pursuant to Regulation 8 of the Health (Drainlayers' Registration) Regulations 1948 and is fit to perform the work of and be registered as a drainlayer.

Signature :

Date :

Form No. 3

APPLICATION FOR REGISTRATION AS A DRAINLAYER

To the Medical Officer of Health at

I, [*Name in full*], of [*Address in full*], do hereby apply, in accordance with Regulation 11 of the Health (Drainlayers' Registration) Regulations 1948, for a certificate of registration.

My full name and place of abode are truly specified above, and I enclose herewith the specified fee of 5s. and (my last or only examination certificate), (my last or only registration certificate) (my last or only drainlayer's licences or licence in any district or area under the Drainage and Plumbing Regulations or under any other enactment).

Dated this day of, 19..

Signature :

Form No. 4

CERTIFICATE OF REGISTRATION AS A DRAINLAYER

I, [*Name in full*], Medical Officer of Health at, hereby certify that [*Name in full*], of [*Address in full*], has been duly registered as a drainlayer for the period from the day of, 19.., to the 31st day of March, 19..

Signature :

[DEPARTMENTAL
STAMP]

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

Issued under the authority of the Regulations Act, 1936.
Date of notification in *Gazette* : 14th day of October, 1948.
These regulations are administered in the Department of Health.