

**Reprint**  
**as at 1 April 2010**

**Plumbers, Gasfitters, and  
Drainlayers Act 1976**

Public Act 1976 No 69  
Date of assent 7 December 1976

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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

**This Act is administered in the Ministry of Health**

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**Provisions applying in respect of Plumbers, Gasfitters,  
and Drainlayers Board**

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**An Act to consolidate and amend the law relating to the registration of plumbers and gasfitters, and to make provision for the registration of drainlayers**

**BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:**

**1 Short Title and commencement**

- (1) This Act may be cited as the Plumbers, Gasfitters, and Drainlayers Act 1976.

- (2) Except as provided in section 54 of this Act, this Act shall come into force on the 1st day of April 1977.

## **2 Interpretation**

In this Act, unless the context otherwise requires,—

**Board** means the Plumbers, Gasfitters, and Drainlayers Board constituted by section 5 of this Act

**Chairman** means the Chairman of the Board appointed under clause 1 of the Schedule

Chairman: this definition was substituted, as from 21 October 1999, by section 2(1) Plumbers, Gasfitters, and Drainlayers Amendment Act 1999 (1999 No 138).

**Consumer** has the same meaning as in section 2(1) of the Gas Act 1992

Consumer: this definition was inserted, as from 28 September 1993, by section 2(1) Plumbers, Gasfitters, and Drainlayers Act 1993 (1993 No 146).

**Craftsman gasfitter** means a person whose name appears for the time being in the register of craftsman gasfitters maintained under section 20 of this Act; and **registered as a craftsman gasfitter** and **registration as a craftsman gasfitter** have corresponding meanings

**Craftsman plumber** means a person whose name appears for the time being in the register of craftsman plumbers maintained under section 20 of this Act; and **registered as a craftsman plumber** and **registration as a craftsman plumber** have corresponding meanings

**Deputy Chairman** means the Deputy Chairman of the Board appointed under clause 1 of the Schedule

Deputy Chairman: this definition was substituted, as from 21 October 1999, by section 2(1) Plumbers, Gasfitters, and Drainlayers Amendment Act 1999 (1999 No 138).

**Distribution system** has the same meaning as in section 2(1) of the Gas Act 1992

Distribution system: this definition was inserted, as from 28 September 1993, by section 2(1) of Plumbers, Gasfitters, and Drainlayers Amendment Act 1993 (1993 No 146).

**Document** has the same meaning as it has in the Official Information Act 1982

Document: this definition was inserted, as from 21 October 1999, by section 2(2) Plumbers, Gasfitters, and Drainlayers Amendment Act 1999 (1999 No 138).

**Drain** means a pipe or series of pipes constructed or laid for the conveyance of sewage, sullage, effluent, or stormwater, other than a pipe or series of pipes that is vested in or under the control of or maintained by the Crown or by a local authority or drainage board; but does not include an open-jointed or perforated drain for the collection and removal of ground water or a downpipe for the conveyance of water from the roof of a building

**drainage board** means—

- (a) the Hutt Valley Drainage Board;
- (b) any board of trustees constituted under the Land Drainage Act 1908

Drainage board: this definition was substituted, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

**Drainlaying** means—

- (a) Laying a drain, other than a cast iron drain that has lead joints:
- (b) Altering, reconstructing, extending, repairing, opening-up, or renewing—
  - (i) A drain; or
  - (ii) A fitting connected to a drain—  
other than a cast iron drain that has lead joints:
- (c) Fixing or unfixing a sewage tank to or from a drain, other than a cast iron drain that has lead joints:
- (d) Fixing or unfixing a gully-trap or other trap in connection with a drain or sewage tank:

**Electronic transmission** includes facsimile, electronic mail, or other similar means of communication

Electronic transmission: this definition was inserted, as from 21 October 1999, by section 2(2) Plumbers, Gasfitters, and Drainlayers Amendment Act 1999 (1999 No 138).

**Employer licence** means an employer licence issued under section 39A of this Act

Employer licence: this definition was inserted, as from 1 April 1993, by section 2(3) Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125).

**Fittings** has the same meaning as in section 2(1) of the Gas Act 1992

Fittings: this definition was inserted, as from 28 September 1993, by section 2(1) of Plumbers, Gasfitters, and Drainlayers Amendment Act 1993 (1993 No 146)

**Fixing** includes installing, connecting, repairing, and altering; and **unfixing** includes removing and disconnecting; and **fix** and **unfix** have corresponding meanings

**Gas** has the same meaning as in section 2 of the Gas Act 1992

Gas: this definition was substituted, as from 1 April 1993, by section 2(1) Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125).

**Gas appliance** has the same meaning as in section 2(1) of the Gas Act 1992

Gas appliance: this definition was inserted, as from 28 September 1993, by section 2(1) Plumbers, Gasfitters, and Drainlayers Amendment Act 1993 (1993 No 146).

**Gas inspector** means a person whose name appears for the time being in the register of gas inspectors maintained under section 20 of this Act ; and **registered as a gas inspector** and **registration as a gas inspector** have corresponding meanings

Gas inspector: this definition was inserted, as from 1 April 1993, by section 2(3) Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125).

**Gas measurement system** has the same meaning as in section 2(1) of the Gas Act 1992

Gas measurement system: this definition was inserted, as from 28 September 1993, by section 2(1) Plumbers, Gasfitters, and Drainlayers Amendment Act 1993 (1993 No 146).

**Gas refueller** has the same meaning as in section 2(1) of the Gas Act 1992

Gas refueller: this definition was inserted, as from 28 September 1993, by section 2(1) Plumbers, Gasfitters, and Drainlayers Amendment Act 1993 (1993 No 146).

**Gas transmission** has the same meaning as in section 2(1) of the Gas Act 1992

Gas transmission: this definition was inserted, as from 28 September 1993, by section 2(1) Plumbers, Gasfitters, and Drainlayers Amendment Act 1993 (1993 No 146).

**Gasfitting** means—

- (a) The work of fixing or unfixing pipes (including flue and ventilation pipes) beyond the outlet of any gas measurement system supplying a consumer or gas refueller with gas (or, where there is no such gas measurement system, beyond the custody transfer point of the place at which gas is supplied to a consumer or gas refueller):
  - (b) The work of fixing or unfixing pipes (including flue and ventilation pipes) that convey gas from any gas storage container in the possession or control of a consumer or gas refueller, and—
    - (i) In the case of liquefied petroleum gas, that are downstream of the first regulator beyond that container; or
    - (ii) In the case of any other gas or where there is no such regulator (in the case of liquefied petroleum gas), that are downstream of the outlet valve of the container:
  - (c) The work of fixing or unfixing the whole or part of the control system of any gas appliance—
- but does not include—
- (d) Work on any gas storage container, including its fixing or unfixing; or
  - (e) Work on any gas transmission system or distribution system; or
  - (f) Work on any pipes or fittings supplied with liquefied petroleum gas from any gas storage container or containers that contains, or together contain, less than 15 kilograms net weight of liquefied petroleum gas; or
  - (g) Work in any circumstances where the exclusions in section 3(2) of the Gas Act 1992 apply:

Gasfitting: this definition was amended, as from 1 April 1993, by section 2(2) Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125).

Gasfitting: this definition was substituted, as from 28 September 1993, by section 2(2) Plumbers, Gasfitters, and Drainlayers Amendment Act 1993 (1993 No 146).

**Investigator** means a person appointed to be an investigator under section 40 of this Act



**Licence** means a licence issued under section 36 or section 36B or section 37 of this Act

Licence: this definition was amended, as from 1 April 1993, by section 2(4) Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125) by inserting the expression “or section 36B”.

**Limited certificate** means a limited certificate issued under section 38 of this Act

**Local authority** means—

- (a) a territorial authority within the meaning of the Local Government Act 2002
- (b) Any other local authority within the meaning of that Act that undertakes the functions conferred on local authorities by this Act, or to which those functions are delegated, whether pursuant to that Act or to any other enactment:

Local authority: paragraph (a) of this definition was substituted, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

**Minister** means the Minister of Health

**Ministry** means the department of State that, with the authority of the Prime Minister, is for the time being responsible for administration of the Gas Act 1992

Ministry: this definition was inserted, as from 1 April 1993, by section 2(3) Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125).

**Pipe** has the same meaning as in section 2(1) of the Gas Act 1992

Pipe: this definition was inserted, as from 28 September 1993, by section 2(1) of Plumbers, Gasfitters, and Drainlayers Amendment Act 1993 (1993 No 146)

**Registered drainlayer** means a person whose name appears for the time being in the register of drainlayers maintained under section 20 of this Act ; and **registered as a drainlayer** and **registration as a drainlayer** have corresponding meanings

**Registered gasfitter** means a person whose name appears for the time being in the register of gasfitters maintained under section 20 of this Act ; and **registered as a gasfitter** and **registration as a gasfitter** have corresponding meanings

**Registered person** means a craftsman plumber, a craftsman gasfitter, a gas inspector, a registered plumber, a registered gasfitter, or a registered drainlayer

Registered person: this definition was amended, as from 1 April 1993, by section 2(5) Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125) by inserting the words “a gas inspector.”.

**Registered plumber** means a person whose name appears for the time being in the register of plumbers maintained under section 20 of this Act ; and **registered as a plumber** and **registration as a plumber** have corresponding meanings

**Registrar** means the Registrar of Plumbers, Gasfitters, and Drainlayers appointed under section 13 of this Act

**Sanitary plumbing** has the meaning assigned to that term by section 3 of this Act.

**Secretary** means the chief executive of the Ministry

Secretary: this definition was inserted, as from 1 April 1993, by section 2(3) Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125).

**Tradesperson** means any person who is authorised by section 57 (2) of this Act to do gasfitting

Tradesperson: this definition was inserted, as from 1 April 1993, by section 2(3) Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125).

Compare: 1964 No 132 s 2

### 3 Meaning of sanitary plumbing

(1) In this Act, unless the context otherwise requires, **sanitary plumbing** means—

- (a) The work of fixing or unfixing any bath, shower, lavatory basin, sink, slop sink, urinal, water closet, bedpan washer, bedpan steriliser, laundry tub, or washing machine, or any other sanitary fitting or appliance, or any fittings or accessories associated therewith:
- (b) The work of fixing or unfixing any trap, waste or soil pipe, ventilation pipe, or overflow pipe connected with or intended to be connected with or accessory to any sanitary fitting or appliance or any drain, whether or not the fitting, appliance, or drain is there when the work is done:
- (c) The work of fixing or unfixing any pipe that—

- (i) Supplies or is intended to be a means of supplying water to any sanitary fitting or appliance; and
  - (ii) Is within the legal boundary of the premises on which that sanitary fitting or appliance is or will be installed,—  
whether or not that sanitary fitting or appliance is there when the work is done:
- (d)
  - (e) The work of laying, fixing, or unfixing any cast iron drain that has lead joints:
  - (f) Generally all plumbing work associated with any sanitary fitting or appliance.
- (2) Notwithstanding subsection (1) of this section, in this Act the term **sanitary plumbing** does not include—
- (a) The work of fixing or unfixing any sanitary fitting or appliance that is installed in any ship, aircraft, or vehicle, or any plumbing work associated with any such sanitary fitting or appliance; or
  - (b) The work of fixing or unfixing a gas, electrical, or solar water heater that supplies or is intended to supply hot water to not more than one sanitary fitting or appliance; or
  - (c) The work of fixing or unfixing any other gas, electrical, or solar water heater in any case where fixing or unfixing of pipes supplying or intended to supply water is not involved; or
  - (d) The work of fixing or unfixing a bedpan washer, a bedpan steriliser, or a washing machine in any case where the fixing or unfixing of waste pipes or of pipes supplying or intended to supply water is not involved; or
  - (e) The work of fixing or unfixing a pipe for reticulating hot water in any central heating system or a pipe supplying cold water from a tank or pressure reducing valve to a heating appliance used exclusively for a central heating system; or
  - (f) The work of repairing or replacing taps, ball valves, tap washers, or plugs; or

- (g) The work of fixing or unfixing any shower that is installed over a bath and that is supplied with water through the bath taps.
- (3) Notwithstanding the definition of the term **sanitary plumbing** in subsection (1) of this section, the work of fixing or unfixing any pipe in any premises (other than a building) taken or otherwise acquired and still held under the Public Works Act 1981, or any corresponding former Act, or to which subsection (4) of section 167 of the Land Act 1948 applies, or that is a public reserve within the meaning of the Reserves Act 1977, does not constitute sanitary plumbing for the purposes of this Act.

Compare: 1964 No 132 s 2 ; 1967 No 22 s 2

Subsection (1)(c) was substituted, as from 14 January 1981, by section 2 Plumbers, Gasfitters, and Drainlayers Amendment Act 1980 (1980 No 68).

Subsection (1)(d) was repealed, as from 14 January 1981, by section 2 Plumbers, Gasfitters, and Drainlayers Amendment Act 1980 (1980 No 68).

#### **4 Act to bind Crown**

This Act binds the Crown.

Compare: 1964 No 132 s 3

## **Part 1 Plumbers, Gasfitters, and Drainlayers Board**

### **5 Constitution of Board**

- (1) There is hereby constituted a board to be called the Plumbers, Gasfitters, and Drainlayers Board.
- (2) The Board shall be a body corporate with perpetual succession and a common seal, and shall be capable of acquiring, holding, and disposing of real and personal property, of suing and being sued, and of doing and suffering all such acts and things as bodies corporate may lawfully do and suffer.
- (3) On the date of the commencement of this Act the Board shall succeed to the rights, duties, responsibilities, and obligations conferred and imposed immediately before that date on the Plumbers and Gasfitters Board established under the Plumbers and Gasfitters Registration Act 1964.

- (4) Notwithstanding anything in the Public Records Act 2005, any public record within the meaning of that Act that, at the commencement of this Act, is in the possession or under the control of the Ministry of Health and that, in the opinion of the Director-General of Health, relates to the registration of plumbers, gasfitters, or drainlayers, may be transferred to and vested in the Board by the Director-General.

Compare: 1964 No 132 s 4(1)

The reference to “Ministry of Health” replaced a reference to “Department of Health”, as from 1 July 1993, pursuant to section 38(3) Health Amendment Act 1993 (1993 No 24).

Subsection (4) was amended, as from 21 April 2005, by section 67(1) Public Records Act 2005 (2005 No 40) by substituting the words “Public Records Act 2005” for the words “Archives Act 1957”.

## **6 Constitution of Board**

- (1) The Board consists of—
- (a) Two persons, each of whom must be a craftsman plumber or a registered plumber; and
  - (b) Two persons, each of whom must be a craftsman gasfitter or a registered gasfitter; and
  - (c) Two registered drainlayers; and
  - (d) Four other persons, of whom—
    - (i) One (but not more than 1) may be a registered person; and
    - (ii) One (but not more than 1) may be a representative of a relevant training organisation.
- (2) Each member is appointed by the Minister by notice in the *Gazette*.

Subsection (1)(d) was amended, as from 14 January 1981, by section 3 Plumbers, Gasfitters, and Drainlayers Amendment Act 1980 (1980 No 68) by adding the words “or the Registered... New Zealand Incorporated”.

Subsection (1)(e) was substituted, as from 16 December 1988, by section 2(1) Plumbers, Gasfitters, and Drainlayers Amendment Act 1988 (1988 No 206).

Subsection (1)(f) was repealed, as from 16 December 1988, by section 2(1) Plumbers, Gasfitters, and Drainlayers Amendment Act 1988 (1988 No 206).

Section 6 was substituted, as from 21 October 1999, by section 3 Plumbers, Gasfitters, and Drainlayers Amendment Act 1999 (1999 No 138). See section 14 of that Act for transitional provisions relating to membership of the Board.

The references to “Ministry of Education” and “Secretary of Education” replaced respectively, as from 1 October 1989, references to “Department of

Education” and “Director-General of Education” pursuant to section 144(2) Education Act 1989 (1989 No 80).

The reference to “Ministry of Health” replaced, as from 1 July 1993, a reference to “Department of Health” pursuant to section 38(3) Health Amendment Act 1993 (1993 No 24).

The reference to “chief executive of the Department of Labour” replaced, as from 16 October 1989, a reference to “Secretary of Labour” pursuant to section 2(8) Labour Department Act Repeal Act 1989 (1989 No 80).

#### **6A Term of office**

- (1) Each member takes office from a date specified for that purpose in the notice appointing the member or, if no date is specified in the notice, from the date on which the notice is published in the *Gazette*.
- (2) Each member is appointed for a term of 3 years or such shorter term as is specified in the notice of appointment, and may be reappointed from time to time, but no person is eligible to be a member for more than 9 consecutive years.

Sections 6A and 6B were inserted, as from 21 October 1999, by section 3 Plumbers, Gasfitters, and Drainlayers Amendment Act 1999 (1999 No 138). See section 14 of that Act for transitional provisions relating to membership of the Board.

#### **6B Vacation of office**

- (1) Any member of the Board may at any time resign his or her office by giving a notice to that effect to the Minister.
- (2) A member of the Board is to be taken to have vacated his or her office if—
  - (a) He or she dies; or
  - (b) He or she is adjudged bankrupt under the Insolvency Act 2006.
- (3) Any member of the Board may be removed from office by the Minister, by notice given to the member, on the grounds of a mental or physical condition affecting performance of duty, or for neglect of duty, or misconduct, proved to the satisfaction of the Minister.
- (4) A member of the Board may be removed from office by the Minister, with the concurrence of the Board, by notice given to the member, on the ground that the member’s performance on the Board is inadequate.

- (5) The powers of the Board are not affected by any vacancy in its membership.

Sections 6A and 6B were inserted, as from 21 October 1999, by section 3 Plumbers, Gasfitters, and Drainlayers Amendment Act 1999 (1999 No 138). See section 14 of that Act for transitional provisions relating to membership of the Board.

Section 6B(2)(b): amended, on 3 December 2007, by section 445 of the Insolvency Act 2006 (2006 No 55).

## **7 Chairman of Board**

*[Repealed]*

Sections 7 to 10 were repealed, as from 21 October 1999, by section 4 Plumbers, Gasfitters, and Drainlayers Amendment Act 1999 (1999 No 138).

## **8 Deputy Chairman of Board**

*[Repealed]*

Sections 7 to 10 were repealed, as from 21 October 1999, by section 4 Plumbers, Gasfitters, and Drainlayers Amendment Act 1999 (1999 No 138).

## **9 Meetings of Board**

*[Repealed]*

Sections 7 to 10 were repealed, as from 21 October 1999, by section 4 Plumbers, Gasfitters, and Drainlayers Amendment Act 1999 (1999 No 138).

## **10 Deputies of members**

*[Repealed]*

Sections 7 to 10 were repealed, as from 21 October 1999, by section 4 Plumbers, Gasfitters, and Drainlayers Amendment Act 1999 (1999 No 138).

## **11 Functions and powers of Board**

- (1) The functions of the Board shall be—
- (a) To make arrangements for the examination of persons practising or intending to practise the plumbing or gasfitting or drainlaying trades:
  - (b) To present or issue, either independently or in conjunction with any other examining body, diplomas or certificates to any such person in recognition of his proficiency in any of those trades:
  - (c) To make recommendations to any person or body concerned with the education or training of any person

wishing to enter the plumbing or gasfitting or drainlaying trades, or with regard to any other matter affecting such trades:

- (d) To receive applications for registration under this Act, and to authorise registration in proper cases:
  - (da) To ensure that craftsmen gasfitters, gas inspectors, and registered gasfitters maintain an adequate level of competence in the field of work in respect of which they are registered:
  - (e) To exercise disciplinary powers in accordance with the provisions of Part 4 of this Act:
  - (f) To institute prosecutions against registered persons or other persons for the breach of any Act or regulation relating to sanitary plumbing, gasfitting, or drainlaying:
  - (g) To make recommendations to the Minister with respect to the making of regulations under this Act, or the making of regulations controlling sanitary plumbing or drainlaying under the Health Act 1956:
  - (h) Generally, within the scope of its authority, to do whatever may in its opinion be necessary for the effective administration of this Act:
  - (i) To perform such other functions as may be conferred on it by any other enactment.
- (2) The Board shall have all such powers as may be reasonably necessary to enable it to properly carry out its functions.

Compare: 1964 No 132 s 7(1), (2)(b)

Subsection (1)(da) was inserted, as from 1 April 1993, by section 3 Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125).

## **12 Committees and advisers**

*[Repealed]*

Section 12 was repealed, as from 21 October 1999, by section 4 Plumbers, Gasfitters, and Drainlayers Amendment Act 1999 (1999 No 138).

## **13 Registrar and other officers**

- (1) The Board shall from time to time appoint a person to be the Registrar of Plumbers, Gasfitters, and Drainlayers, and may from time to time appoint such Deputy Registrars and other officers, employees, and agents as it thinks necessary for the



efficient performance of the Board's functions, and may pay them such remuneration as it considers appropriate.

- (2) A member of the Board may concurrently hold the post of Registrar, or any other office of employment under the Board.

### *Financial provisions*

#### **14 Fees and allowances**

There may be paid to members of the Board, any committee appointed by the Board, and to investigators appointed under section 40, out of the funds of the Board, such remuneration (by way of fees, salary, or otherwise) and allowances and expenses as the Board from time to time determines.

Section 14 was substituted, as from 21 October 1999, by section 5 Plumbers, Gasfitters, and Drainlayers Amendment Act 1999 (1999 No 138).

#### **14A Board may prescribe fees**

- (1) The Board may from time to time, by notice in the *Gazette*, prescribe the fees payable in respect of the following matters:
- (a) An application for registration under this Act:
  - (b) An addition or alteration to the register:
  - (c) The issue of any licence:
  - (d) The issue of any certificate, or a copy of any certificate:
  - (e) An application for an exemption under this Act:
  - (f) The supply of a copy of any entry in the register:
  - (g) Inspection of the register, or of any other documents kept by the Board that are open for inspection:
  - (h) The supply to any registered person of any documents, other than certificates of registration, required by him or her for the purpose of seeking registration overseas:
  - (i) Any other matter that relates to anything the Board is required to do in order to carry out its functions.
- (2) Different fees may be prescribed under this section for different classes of registered person.
- (3) Any notice prescribing any fee under this section may exempt any class or classes of person from liability to pay any such fee, and may provide for the waiver or refund of any such fee.

Compare: 1995 No 95 s 126

Sections 14A to 14C were inserted, as from 21 October 1999, by section 5 Plumbers, Gasfitters, and Drainlayers Amendment Act 1999 (1999 No 138).

**14B Disciplinary levy**

- (1) The Board may from time to time, by notice in the *Gazette*, impose on every registered person a disciplinary levy of such amount as it thinks fit for the purpose of funding the costs arising out of—
  - (a) Investigations into allegations or complaints against registered persons; and
  - (b) Proceedings concerning discipline under this Act.
- (2) Any notice imposing any levy under this section may exempt from liability to pay such levy any class or classes of registered person, and may provide for the waiver or refund of any such levy.

Compare: 1995 No 95 s 127

Sections 14A to 14C were inserted, as from 21 October 1999, by section 5 Plumbers, Gasfitters, and Drainlayers Amendment Act 1999 (1999 No 138).

**14C Further provisions relating to fees and levy**

- (1) Any notice under section 14A or section 14B may, by notice in the *Gazette*, be amended or revoked by the Board at any time.
- (2) Every notice under section 14A or section 14B comes into force on a date specified in the notice, being not less than 28 days after the date of publication of the notice in the *Gazette*.
- (3) Every notice under section 14A or section 14B is a regulation for the purposes of the Regulations (Disallowance) Act 1989, but is not a regulation for the purposes of the Acts and Regulations Publication Act 1989.
- (4) Every fee set under section 14A, and every levy imposed under section 14B, is payable, and recoverable as a debt due, to the Board.

Compare: 1995 No 95 s 128

Sections 14A to 14C were inserted, as from 21 October 1999, by section 5 Plumbers, Gasfitters, and Drainlayers Amendment Act 1999 (1999 No 138).

**15 Finance**

- (1) The Registrar, or any other officer or employee of the Board authorised in that behalf by the Board, shall take and receive such fees in respect of such matters under this Act as may from time to time be prescribed.

- (2) Until the prescribed fee has been paid, the Registrar or any other officer or employee of the Board may decline to do any act, or permit any act to be done, or to receive any document, in respect of which that fee is payable.
- (3) All money received under this section and all other money received by the Board may be applied by the Board for any of the following purposes:
  - (a) The payment of remuneration and travelling allowances and expenses to its members, employees, and agents, including any person referred to in section 14 of this Act:
  - (b) The payment of contributions to the global asset trust under the National Provident Fund Restructuring Act 1990, or to any other superannuation fund or scheme established, with the approval of the Minister of Finance, for the purpose of providing superannuation or retiring allowances for the Board's employees:
  - (c) The payment of all costs and expenses incurred in doing whatever the Board considers expedient to best accomplish the purposes for which it is established:
  - (d) Contributing towards the cost of educating or training any person wishing to enter the plumbing or gasfitting or drainlaying trades, and providing scholarships or bursaries and making donations for any such purpose.
- (4) All money received by the Board or by an employee of the Board shall as soon as practicable be paid into such bank account or accounts of the Board as the Board may from time to time determine.
- (5) The Board may from time to time invest any such money that is not for the time being required for any of the purposes specified in subsection (3) of this section in any manner authorised by or under the Trustee Act 1956 for the investment of trust funds.
- (6) Every payment of money on behalf of the Board shall, unless authorised by a prior resolution of the Board, be submitted to the Board for confirmation at its first ordinary meeting after the date of payment.
- (7) Every payment of money by the Board shall be by cheque or other instrument (not being a promissory note or bill) signed

by the Registrar or any other officer authorised in that behalf by the Board, and shall be countersigned by any other such officer or by a member of the Board.

- (8) The Board shall keep full and correct accounts of all money received and expended by it.
- (9) The Board is a public entity as defined in section 4 of the Public Audit Act 2001 and, in accordance with that Act, the Auditor-General is its auditor.
- (10) As soon as practicable after the end of each financial year, the Board shall cause to be prepared and submitted to the Audit Office full and true statements and accounts of all its income and expenditure in that year, together with a statement of financial position as at the last day of that year.
- (11) For the purposes of this section, the financial year of the Board shall be the period ending with the 31st day of March in each year, or such other date as the Board may from time to time determine.

Compare: 1964 No 132 s 30

Subsection (3) was amended, as from 1 April 1991, by substituting the words “global asset trust” for the words “National Provident Fund” by section 34(b) National Provident Fund Restructuring Act 1990 (1990 No 126).

The reference to the National Provident Fund Restructuring Act 1990 replaced, as from 1 April 1991, a reference to the National Provident Fund Act 1950 pursuant to section 81(1) National Provident Fund Restructuring Act 1990 (1990 No 126).

The reference to the Public Finance Act 1977 replaced, as from 1 April 1978, a reference to the Public Reserves Act 1953 pursuant to section 163(1) Public Finance Act 1977 (1977 No 65).

Subsection (9) was substituted, as from 1 July 2001, by section 53 Public Audit Act 2001 (2001 No 10).

Subsection (10) was amended, as from 1 October 1997, pursuant to 6(1) Financial Reporting Amendment Act 1997 (1997 No 17) by substituting the words “statement of financial position” for the words “balance sheet”.

## **16 Insurance of members of Board, etc**

The Board may from time to time enter into contracts of insurance insuring members of the Board, members of any committee of the Board, persons appointed to advise the Board under any contract or under section 44 of this Act, and investigators appointed under section 40 of this Act, against loss from personal accident arising out of and in the course of the exercise

and performance of their functions and powers under this Act, and may pay the premiums payable in respect of any such contracts.

Section 16 was amended, as from 21 October 1999, by section 6 Plumbers, Gasfitters, and Drainlayers Amendment Act 1999 (1999 No 138) by substituting the words “any contract or under section 44” for the words “section 12 or section 44”.

### **17 Unauthorised expenditure**

Without limiting section 15(3) of this Act, the Board may in any financial year expend for any purposes not authorised by this Act or any other enactment any sum or sums not amounting in the aggregate to more than \$500.

Compare: 1964 No 132 s 33

Section 17 was amended, as from 8 March 1985, by section 2 Plumbers, Gasfitters, and Drainlayers Amendment Act 1985 (1985 No 36) by substituting the expression “\$500” for the expression “\$200”.

### **18 Power to borrow money**

The Board may, from time to time, borrow money required for any of the purposes of the Board; and, for the purpose of securing any money so borrowed, may mortgage, charge, or pledge any right, title, estate, or interest in any real or personal property vested in the Board.

### **18A Further provisions relating to Board in Schedule**

The provisions set out in the Schedule apply to the Board and its proceedings.

Section 18A was inserted, as from 21 October 1999, by section 7 Plumbers, Gasfitters, and Drainlayers Amendment Act 1999 (1999 No 138).

### **19 Amendments to other enactments**

- (1) Part 2 of Schedule 1 to the Public Bodies Contracts Act 1959 is hereby amended by inserting, in its appropriate alphabetical order, the following item:

The Plumbers, Gasfitters, and Drainlayers Board	1976, No 69—The Plumbers, Gasfitters, and Drainlayers Act 1976
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- (2) Part 2 of Schedule 1 to the Local Authorities (Members Interests) Act 1968 is hereby amended by inserting, in its appropriate alphabetical order, the following item:

The Plumbers, Gasfitters, and Drainlayers Board	1976 No 69-The Plumbers, Gasfitters, and Drainlayers Act 1976
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## **Part 2 Registration of plumbers, gasfitters, and drainlayers**

### **20 Registers**

- (1) The Board shall set up and maintain the following registers:
- (a) A Register of Craftsman Plumbers:
  - (b) A Register of Craftsman Gasfitters:
  - (ba) A Register of Gas Inspectors:
  - (c) A Register of Plumbers:
  - (d) A Register of Gasfitters:
  - (e) A Register of Drainlayers:
  - (f) A Register of Holders of Limited Certificates.
- (2) The Register of Plumbers, the Register of Gasfitters, and the Register of Holders of Limited Certificates, kept under section 9 of the Plumbers and Gasfitters Registration Act 1964, shall be deemed to have been set up and shall hereafter be maintained under this Act.
- (3) The registers shall be kept by the Registrar and shall be maintained in such form, whether in bound books or otherwise, as may be prescribed, or, if no form is prescribed, as the Board may determine.
- (4) The Registrar shall enter in the appropriate register the name of every person entitled to be registered under this Act, together with such other particulars as may be prescribed.
- (5) The Registrar shall, in making entries in the Register of Holders of Limited Certificates, distinguish between certificates that authorise the holders to do sanitary plumbing, certificates that authorise the holders to do gasfitting, and certificates that authorise the holders to do drainlaying.

- (6) The registers shall be open for inspection during ordinary office hours by members of the public.
- (7) The Board may from time to time cause a register maintained under this Act to be published in such form, whether abbreviated or otherwise, as it thinks fit, and may charge any person purchasing a copy of that register such reasonable fee as it thinks appropriate.

Compare: 1964 No 132 s 9

Subsection (1)(ba) was inserted, as from 1 April 1993, by section 4 Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125).

## **21 Qualifications for registration as craftsman plumber**

- (1) Subject to section 27 of this Act, a person shall, on payment of the prescribed fee, be entitled to be registered as a craftsman plumber if he satisfies the Board—
  - (a) That, immediately before the commencement of this Act, he was registered as a plumber under the Plumbers and Gasfitters Registration Act 1964 ; or
  - (b) That, immediately before the commencement of this Act, he was serving an apprenticeship in the plumbing trade and is, or is entitled to be, registered as a plumber under section 23(b) of this Act ; or
  - (c) That he is entitled to be registered as a plumber under section 23(d) of this Act ; or
  - (d) That, after obtaining registration as a plumber, he has undergone such course of training and acquired such experience and passed such examination or examinations as may be prescribed, or, if no course or experience or examination (as the case may require) is prescribed, as may be approved by the Board, for the purposes of this section.
- (2) No person shall be required to pay a fee in respect of an application for registration, or in respect of registration, under subsection (1)(a) of this section, or in respect of a provisional licence issued on such an application under section 37 of this Act.

**22 Qualifications for registration as craftsman gasfitter**

- (1) Subject to section 27 of this Act, a person shall, on payment of the prescribed fee, be entitled to be registered as a craftsman gasfitter if he satisfies the Board—
- (a) That, immediately before the commencement of this Act, he was registered as a gasfitter under the Plumbers and Gasfitters Registration Act 1964 ; or
  - (b) That, immediately before the commencement of this Act, he was serving an apprenticeship in the gasfitting trade and is, or is entitled to be, registered as a gasfitter under section 24(b) of this Act ; or
  - (c) That he is entitled to be registered as a gasfitter under section 24(e) of this Act ; or
  - (d) That, after obtaining registration as a gasfitter, he has undergone such course of training and acquired such experience and passed such examination or examinations as may be prescribed, or, if no course or experience or examination (as the case may require) is prescribed, as may be approved by the Board, for the purposes of this section.
- (2) No person shall be required to pay a fee in respect of an application for registration, or in respect of registration, under subsection (1)(a) of this section, or in respect of a provisional licence issued on such an application under section 37 of this Act.

**22A Qualifications for registration as gas inspector**

Subject to section 27 of this Act, a person shall, on payment of the prescribed fee, be entitled to be registered as a gas inspector if the person satisfies the Board—

- (a) That he or she is—
  - (i) A qualified gas engineer; or
  - (ii) A Registered Engineering Associate (Gas); or
  - (iii) A craftsman gasfitter; or
  - (iv) Otherwise suitably qualified to be a gas inspector; and
- (b) That he or she has undergone such course of training and acquired such experience and passed such examination or examinations as may be prescribed, or, if no course



or experience or examination (as the case may require) is prescribed, as may be approved by the Board, for the purposes of this section.

Section 22A was inserted, as from 1 April 1993, by section 5 Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125).

### **23 Qualifications for registration as plumber**

Subject to section 27 of this Act, a person shall, on payment of the prescribed fee, be entitled to be registered as a plumber if he satisfies the Board—

- (a) That he—
  - (i) Is registered as a gasfitter; and
  - (ii) Has passed such examination or examinations as may be prescribed, or as may be approved by the Board for the purposes of this paragraph; or
- (b) That he has—
  - (i) Completed an apprenticeship in the plumbing trade or, after the 1st day of January 1979, in the plumbing-gasfitting trade; and
  - (ii) Passed such examination or examinations as may be prescribed, or as may be approved by the Board, for the purposes of this paragraph; or
- (c) That he has—
  - (i) Held a limited certificate to do sanitary plumbing for a continuous period of 5 years (whether that period commenced before or after the commencement of this Act); and
  - (ii) Passed such examination or examinations as may be prescribed, or as may be approved by the Board, for the purposes of this paragraph; or
- (d) That he has—
  - (i) Been engaged in the plumbing trade for an aggregate period of at least 7 years commencing before the commencement of this Act; and
  - (ii) Before the 1st day of April 1984, passed such examination or examinations as may be prescribed, or as may be approved by the Board, for the purposes of this paragraph.

Compare: 1964 No 132 s 10

**24 Qualifications for registration as gasfitter**

Subject to section 27 of this Act, a person shall, on payment of the prescribed fee, be entitled to be registered as a gasfitter if he satisfies the Board—

- (a) That he—
  - (i) Is registered as a plumber; and
  - (ii) Has passed such examination or examinations as may be prescribed, or as may be approved by the Board, for the purposes of this paragraph; or
- (b) That he has—
  - (i) Completed an apprenticeship in the gasfitting trade or, after the 1st day of January 1979, in the plumbing-gasfitting trade; and
  - (ii) Passed such examination or examinations as may be prescribed, or as may be approved by the Board, for the purposes of this paragraph; or
- (c) That he has—
  - (i) Completed an apprenticeship, in any industry within the meaning of the Industry Training Act 1992, that, in the opinion of the Board, includes an adequate course of training in gasfitting; and
  - (ii) Passed such examination or examinations as may be prescribed, or as may be approved by the Board, for the purposes of this paragraph; or
- (d) That he has—
  - (i) Held a limited certificate to do gasfitting for a continuous period of 5 years (whether that period commenced before or after the commencement of this Act); and
  - (ii) Passed such examination or examinations as may be prescribed, or as may be approved by the Board, for the purposes of this paragraph; or
- (e) That he has—
  - (i) Been engaged in the gasfitting trade for an aggregate period of at least 7 years commencing before the commencement of this Act; and
  - (ii) Before the 1st day of April 1984, passed such examination or examinations as may be pre-

scribed, or as may be approved by the Board, for the purposes of this paragraph.

Compare: 1964 No 132 s 11

The reference to the Industry Training Act 1992 replaced a reference the Apprenticeship Act 1983, as from 1 July 1992, pursuant to section 14(1) Industry Training Act 1992 (1992 No 55). The Apprenticeship Act 1983 replaced an earlier reference to the Apprentices Act 1948.

**25 Qualifications for registration as drainlayer**

- (1) Subject to section 27 of this Act, and to subsections (2) and (3) of this section, a person shall, on payment of the prescribed fee, be entitled to be registered as a drainlayer if he satisfies the Board—
- (a) That, immediately before the commencement of this Act, he was registered as a drainlayer under the Health Act 1956 ; or
  - (b) That he has passed such examination or examinations as may be prescribed, or as may be approved by the Board, for the purposes of this paragraph, and has undergone such practical training and acquired such experience, in addition to passing such examination or examinations, as may be prescribed for such purposes.
- (2) No person shall be registered as a drainlayer pursuant to subsection (1)(a) of this section after the expiration of a period of 4 years commencing with the date of the commencement of this Act.
- (3) No person shall be required to pay a fee in respect of an application for registration, or in respect of registration, under subsection (1)(a) of this section, or in respect of a provisional licence issued on such an application under section 37 of this Act.

**26 Persons qualified overseas**

Subject to section 27 of this Act, but notwithstanding sections 21 to 25 of this Act, a person shall, on payment of the prescribed fee, be entitled to be registered as a craftsman plumber, a craftsman gasfitter, a gas inspector, a plumber, a gasfitter, or a drainlayer, as the case may require, if he satisfies the Board—

- (a) That he is the holder of a certificate or evidence of registration or recognition, for the time being recognised by the Board pursuant to section 64 of this Act, and that he has undergone in New Zealand any further training, and passed any examination or examinations, that he may be required by the Board to undertake and pass pursuant to the arrangements referred to in that section and applicable in his case; or
- (b) That, notwithstanding that he is not the holder of any such certificate or evidence,—
  - (i) He has successfully undergone a course of training, elsewhere than in New Zealand, that is substantially equivalent to the course of training that he would have had to undergo in New Zealand for the purpose of obtaining the registration for which he is applying; and
  - (ii) He has undergone in New Zealand any further training, and passed any examination or examinations, that he may be required by the Board to undertake and pass; and
  - (iii) He has a reasonable command of the English language.

Section 26 was amended, as from 1 April 1993, by section 6 Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125) by inserting the words “a gas inspector,”.

## **27 Refusal of registration**

The Board may refuse to register a person, other than a person applying for registration as a drainlayer pursuant to section 25(1)(a) of this Act, if—

- (a) He has been convicted of an offence relating to plumbing or gasfitting or drainlaying (as the case may require), against this Act or the Plumbers and Gasfitters Registration Act 1964 or the Health Act 1956 or any regulation made under this Act or either of those Acts or under the Gas Act 1992 ; or
- (b) His name has been removed from a register kept under the Plumbers and Gasfitters Registration Act 1964 pursuant to section 22 of that Act ; or

- (c) His name has been removed, pursuant to section 42 of this Act, from a register kept under this Act.

The reference to the Gas Act 1992 replaced a reference to the Gas Act 1982, as from 1 April 1993, pursuant to section 58(1) Gas Act 1992 (1992 No 124). The Gas Act 1982 replaced an earlier reference to the Gas Industry Act 1958.

## **28 Applications for registration**

- (1) Except as may be provided by regulations for the time being in force under this Act, an application for registration under this Act shall be made in writing addressed to the Board.
- (2) An application shall be accompanied by the prescribed fee (if any).
- (3) No entry of the name of any person shall be made in a register otherwise than at the direction of the Board.

## **29 Applications to be considered by Board**

- (1) At its first meeting after an application has been submitted to it under section 28 of this Act, or as soon as practicable thereafter, the Board shall consider the application, and shall give such directions to the Registrar in respect of it as it thinks fit, and as are authorised by or under this Act.
- (2) Before giving a direction the Board may, if it thinks fit, examine on oath or otherwise the applicant, or any person objecting to the application, or any other person, with respect to the application; and for the purposes of an examination the Chairman may administer an oath to any person.
- (3) The Board may also, if it thinks fit, require a person to verify by statutory declaration any statement made by him with respect to an application before the Board.

## **30 Registration, etc**

- (1) If, after considering an application under section 29 of this Act, the Board is of opinion that the applicant is entitled to be registered in accordance with his application, it shall direct the Registrar to register him; and the Registrar shall register that person in that manner, and shall notify him accordingly.
- (2) If the Board is of opinion that the applicant is not entitled to be registered in accordance with his application, it shall direct

the Registrar not to register him; and the Registrar shall refuse to register that person.

- (3) If the Board refuses to direct the registration of an applicant, it shall cause the applicant to be notified in writing of its refusal and the reasons for it.

### **31 Certificates of registration**

- (1) The Registrar shall, on request by a registered person, and on payment of the prescribed fee, issue to that person a certificate of his registration.
- (2) Where a person is registered in more than 1 capacity under this Act, it shall be sufficient compliance with subsection (1) of this section if there is issued to him 1 certificate of registration that describes him as being registered in each such capacity.

Compare: 1964 No 132 s 12

### **32 Registered persons to notify change of address**

- (1) If a registered person changes his address from that recorded in a register he shall, within 3 months thereafter, notify the Registrar of his new address; and the Registrar shall amend the entry in the register relating to that person.
- (2) Every registered person who fails to comply with subsection (1) of this section commits an offence and is liable on summary conviction to a fine not exceeding \$10.

### **33 Name may be removed from register if registered person or holder of limited certificate cannot be found, etc**

- (1) The Registrar may at any time, and shall if the Board so directs, send to a registered person, or to a holder of a limited certificate, by registered letter addressed to him at his last known place of residence or business, an inquiry as to whether or not he desires to have his name retained in the register or registers, as the case may require.
- (2) If no reply is received within 3 months after the date of the posting of the letter, 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 or registers the name of the

registered person or holder of the limited certificate to whom the letter was sent.

- (3) If the Board has reason to believe that a registered person or holder of a limited certificate has died, it may direct the Registrar to remove the name of that registered person or holder of a limited certificate from the appropriate register or registers; and the Registrar shall remove that name accordingly.
- (4) A person whose name has been removed from a register under this section may apply to the Registrar to have his name restored to that register, and, on proof to the satisfaction of the Board that his name has been so removed, the Board shall direct the Registrar to restore that person's name to that register; and, on payment to him of the prescribed fee, the Registrar shall restore that name accordingly.

Compare: 1964 No 132 s 18

**34 Amendment of register if person wrongfully registered or if particulars incorrect**

- (1) If a person has been registered under this Act by reason of a false or fraudulent representation or declaration, made either orally or in writing, or if a person not entitled to be registered has been registered, the Board shall direct the Registrar to remove the name of that person from the appropriate register; and the Registrar shall remove that name accordingly.
- (2) If any particulars appearing in a register in respect of the qualifications of a person are proved to the satisfaction of the Board to be, or are to the knowledge of the Board, false or erroneous in any respect, the Board shall direct the Registrar to remove those particulars from the register, or otherwise amend that register; and the Registrar shall remove those particulars or amend that register accordingly.
- (3) Subsection (2) of this section shall apply notwithstanding that at the time when the entry in the register was made the person actually possessed the qualifications recorded in the register, or that at that time the entry was otherwise correct.

**35 Amendment of register on change of name, and removal of name on request**

- (1) Where it appears to the satisfaction of the Board that a registered person has changed his name, or that the name of a registered person is incorrectly stated in a register, the Board shall direct the Registrar to amend the register; and the Registrar shall, on payment of the prescribed fee (if any), correct any entry in the register relating to the registered person accordingly.
- (2) Notwithstanding subsection (1) of this section, no fee shall be payable where the correction of the register is necessary by reason of a mistake made by the Board, or by the Registrar or any other officer of the Board.
- (3) The Board may at any time, if it thinks fit, on the application of a registered person, direct the Registrar to remove the name of that person from the register or registers in which it appears; and the Registrar shall remove that name accordingly.

Compare: 1964 No 132 s 19

### **Part 3**

#### **Licences and limited certificates**

**36 Registered persons to have licences**

- (1) In this section the term **year** means a period of 12 months beginning on the 1st day of April in any year and ending with the 31st day of March in the next succeeding year.
- (2) Except as provided in section 38, and sections 53 to 57 of this Act, no registered person shall in any year be entitled to do any sanitary plumbing unless he is the holder of a craftsman plumber's licence or a registered plumber's licence, or be entitled to do any drainlaying unless he is the holder of a registered drainlayer's licence, issued in respect of that year.
- (3) Subject to the payment of the prescribed fee, the Registrar, on application made to the Registrar by a craftsman plumber, or registered plumber, or registered drainlayer, shall issue to him or her an appropriate licence.



- (4) A licence shall be in force until the expiry of the year in respect of which it is issued, or until the holder sooner ceases to be registered under this Act.
- (5) Every person who is entitled to receive a licence under this section shall be deemed to have obtained the licence when he has duly applied to the Registrar for it and has paid the prescribed fee.
- (6) A licence may be issued under this section in advance for any period not exceeding 5 years, and may, subject to the approval of the Postmaster-General, be applied for and issued through New Zealand Post Limited.
- (7) Notwithstanding the foregoing provisions of this section, if—
  - (a) A registered plumber, being the holder of a current registered plumber's licence, becomes a craftsman plumber, he shall be required to pay for a craftsman plumber's licence, in respect of any period during which both licences will be in force, only the amount (if any) by which the fee prescribed for the craftsman plumber's licence exceeds the fee paid by him for his registered plumber's licence in respect of the same period:
  - (b)
- (8) Section 31(2) of this Act, with any necessary modifications, shall apply in respect of applications for licences under this section as it applies in respect of certificates of registration.

Compare: 1964 No 132 s 13

Subsection (2) was amended, as from 1 April 1993, by section 7(1) Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125) by omitting the words "or be entitled to do any gasfitting unless he is the holder of a craftsman gasfitter's licence or a registered gasfitter's licence,".

Subsection (3) was substituted, as from 1 April 1993, by section 7(2) Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125).

The reference to "New Zealand Post Limited" in subsection (6) replaced, as from 19 December 1986, an earlier reference to "Post Office" pursuant to section 2 State-Owned Enterprises Act 1986 (1986 No 124).

Subsection (7)(b) was repealed, as from 1 April 1993, by section 7(3) of Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125).

**36A Annual licence for gasfitters and gas inspectors**

Except as provided in sections 38, 39A, 53, and 57 of this Act, no registered person shall in any year be entitled to do any gas-fitting unless that person is the holder of a craftsman gasfitter's licence or a registered gasfitter's licence, or be entitled to carry out any work authorised by or under this Act to be done by a gas inspector unless he or she is the holder of a gas inspector's licence, issued under section 36B of this Act in respect of that year.

Sections 36A to 36E were inserted, as from 1 April 1993, by section 8 Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125).

**36B Applications for licence for gasfitters and gas inspectors**

- (1) Every application for the issue of a craftsman gasfitter's licence or a registered gasfitter's licence or a gas inspector's licence shall be made to the Registrar.
- (2) Every application under subsection (1) of this section shall—
  - (a) Specify—
    - (i) Whether the applicant is, at the date of the application, actively engaged in work as a gasfitter or, as the case may require, a gas inspector; and
    - (ii) Such other particulars as may be prescribed; and
  - (b) Be accompanied by the prescribed fee (if any).
- (3) On receiving an application under subsection (1) of this section, the Registrar shall—
  - (a) Subject to section 36D of this Act, where the application specifies that the applicant is, at the date of the application, actively engaged in work as a gasfitter or, as the case requires, a gas inspector, issue to the applicant an appropriate licence; or
  - (b) In any other case, refer the application to the Board.
- (4) Notwithstanding anything in subsection (2) of this section, if a registered gasfitter, being the holder of a current registered gasfitter's licence, becomes a craftsman gasfitter, that person shall be required to pay for a craftsman gasfitter's licence, in respect of any period during which both licences will be in force, only the amount (if any) by which the fee prescribed for the craftsman gasfitter's licence exceeds the fee paid by that

person for his or her registered gasfitter's licence in respect of the same period.

Sections 36A to 36E were inserted, as from 1 April 1993, by section 8 Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125).

**36C Board to consider applications**

- (1) The Board shall consider every application referred to it under section 36B(3)(b) of this Act, and, if it is satisfied that the applicant is competent to engage in work as a craftsman gasfitter or, as the case requires, a registered gasfitter or a gas inspector, shall direct the Registrar to issue an appropriate licence to the applicant.
- (2) The Board shall not decline an application referred to it under section 36B(3)(b) of this Act without first giving the applicant—
  - (a) A copy of any information on which the Board relies in proposing to decline the application; and
  - (b) A reasonable opportunity to comment on that information and to be heard, either personally or by that person's representative, in support of the application.
- (3) Where the Board declines an application referred to it under section 36B(3)(b) of this Act, it shall direct accordingly, and shall direct the Registrar to notify the applicant in writing of—
  - (a) The reasons for its direction; and
  - (b) Any condition (being a condition that the applicant pass a specified examination, or complete any specified period of practical training, or acquire any specified practical experience, or attend any specified course of instruction) that the Board requires the applicant to fulfil before a licence will be issued to him or her; and
  - (c) The applicant's rights of appeal against the decision.

Sections 36A to 36E were inserted, as from 1 April 1993, by section 8 Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125).

**36D Regulations may prescribe conditions for issue of licences to gasfitters and gas inspectors**

- (1) For the purpose of ensuring that all craftsman gasfitters, registered gasfitters, and gas inspectors are competent to engage in work of the class or classes in respect of which they are

registered, the Governor-General may from time to time, by Order in Council made on the advice of the Minister tendered on the recommendation of the Board, make regulations prescribing conditions that must be fulfilled by applicants for a craftsman gasfitter's licence or a registered gasfitter's licence or a gas inspector's licence, or by any specified class or classes of applicants for a craftsman gasfitter's licence or a registered gasfitter's licence or a gas inspector's licence, before such a licence will be issued to them.

- (2) The following conditions may be prescribed under subsection (1) of this section:
  - (a) A condition that the applicant has passed such examination as may be prescribed:
  - (b) A condition that the applicant has completed such period of practical training as may be prescribed:
  - (c) A condition that the applicant has acquired such practical experience as may be prescribed:
  - (d) A condition that the applicant has attended such course of instruction as may be prescribed.
- (3) Different conditions may be prescribed under subsection (1) of this section for different classes of applicants.
- (4) Any regulations prescribing any condition under subsection (1) of this section may exempt or provide for the exemption of any person or class of persons from the requirement to fulfil such condition.
- (5) Notwithstanding anything in paragraph (a) of subsection (3) of section 36B of this Act, where—
  - (a) An application to which that paragraph applies is received by the Registrar; and
  - (b) The Registrar is not satisfied that the applicant has fulfilled all the conditions prescribed under subsection (1) of this section that must be fulfilled by the applicant,—the Registrar shall decline to issue a licence to the applicant, and shall notify the applicant of that decision, of the reasons for it, and of the applicant's rights of appeal against that decision.

Sections 36A to 36E were inserted, as from 1 April 1993, by section 8 Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125).

**36E Currency of licences for gasfitters and gas inspectors**

- (1) Subject to subsection (3) of this section, every licence issued under section 36B of this Act shall be in force for such period (not exceeding 5 years) as is specified in that behalf in the licence.
- (2) A licence issued under section 36B of this Act shall come into force—
  - (a) If it is issued before the date of the expiry of the current licence held by the applicant, on the 1st day of April next following; and
  - (b) In any other case, on the date of its issue,—and in either case it shall expire with the close of the 31st day of March in the year in which it is stated to expire.
- (3) If at any time during the currency of a licence its holder ceases to be registered under this Act, that person's licence shall cease to be in force, and the Board may direct that person to return that licence to the Registrar.
- (4) Every person who is entitled to receive a licence under section 36B(3)(a) of this Act shall be deemed to be the holder of that licence when that person has duly applied for it to the Registrar and has paid the prescribed fee (if any).
- (5) Every craftsman gasfitter's licence and every registered gasfitter's licence, issued under section 36 of this Act, that was valid immediately before the date of commencement of this section shall be deemed to be a valid licence issued under section 36B of this Act.

Sections 36A to 36E were inserted, as from 1 April 1993, by section 8 Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125).

**37 Provisional licences**

- (1) Notwithstanding anything to the contrary in this Act, where it appears to the Registrar that an applicant for registration is qualified for registration, the Registrar may, on payment to him of the prescribed fee (if any), issue to that person a provisional licence which shall entitle him, while the certificate is in force pending the consideration of his application by the Board, to do such work as he would have been entitled to do if he had been registered in accordance with his application.

- (2) A provisional licence shall, unless it is sooner cancelled, remain in force for the period, not exceeding 3 months, stated in it, but it may from time to time be renewed for a further period not exceeding 3 months.
- (3) The holder of a provisional licence shall, while the licence remains in force, be deemed for all purposes to be a craftsman plumber, or a craftsman gasfitter, or a gas inspector, or a registered plumber, or a registered gasfitter, or a registered drainlayer, as the case may require.
- (4) The Registrar shall cancel a provisional licence at any time on the direction of the Board, or may, without any such direction, refuse to renew any such licence.

Compare: 1964 No 132 s 14

Subsection (3) was amended, as from 1 April 1993, by section 9 Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125) by inserting the words “or a gas inspector,”.

### **38 Unregistered persons to have limited certificates**

- (1) In this section—

**Apprentice gasfitter** means a person who has contracted to serve an employer in the gasfitting trade and to learn and be taught that trade; and includes a person who is serving an apprenticeship recognised by the Board for the purposes of paragraph (c) of section 24 of this Act

**Apprentice plumber** means a person who has contracted to serve an employer in the plumbing trade and to learn and be taught that trade

**Apprentice plumber-gasfitter** means a person who has contracted to serve an employer in the plumbing-gasfitting trade and to learn and be taught that trade.

- (2) Subject to sections 39 and 49 of this Act, and to subsections (3) and (5) of this section, the Registrar shall, on application made to him at any time by or on behalf of any person, and on payment of the prescribed fee (if any), issue to that person a limited certificate to do sanitary plumbing, or a limited certificate to do gasfitting, or a limited certificate to do drainlaying, as the case may require.

- (3) Every application made under subsection (2) of this section on or after the 1st day of October 1977 shall be signed or countersigned—
- (a) In the case of an application for a limited certificate to do sanitary plumbing, by the craftsman plumber or registered plumber; or
  - (b) In the case of an application for a limited certificate to do gasfitting, the craftsman gasfitter or registered gasfitter; or
  - (c) In the case of an application for a limited certificate to do drainlaying, the registered drainlayer—  
in whose employment or under whose supervision the person by or on whose behalf the application is made intends to work.
- (4) Subject to any regulations made under section 66(1)(c) of this Act, a limited certificate shall entitle the holder to do the work specified therein—
- (a) If that work is sanitary plumbing,—
    - (i) Under the direct supervision and in the presence of a craftsman plumber or a registered plumber, in any case where the holder is not an apprentice plumber and has not held a limited certificate to do sanitary plumbing for a continuous period of at least 2 years; or
    - (ii) While in the employ of a craftsman plumber or under the supervision of a craftsman plumber or registered plumber, in any other case; or
  - (b) If that work is gasfitting,—
    - (i) Under the direct supervision and in the presence of a craftsman gasfitter or a registered gasfitter, in any case where that holder is not an apprentice gasfitter and has not held a limited certificate to do gasfitting for a continuous period of at least 2 years; or
    - (ii) While in the employ of a craftsman gasfitter or under the supervision of a craftsman gasfitter or a registered gasfitter, in any other case; or
  - (c) If that work is drainlaying,—
    - (i) Under the direct supervision and in the presence of a registered drainlayer, in any case where that

- holder has not held a limited certificate to do drainlaying for a continuous period of at least 2 years; or
- (ii) While in the employ or under the supervision of a registered drainlayer, in any other case.
- (5) No fee shall be payable by an apprentice plumber in respect of an application for or the issue of a limited certificate to do sanitary plumbing, or by an apprentice gasfitter in respect of an application for or the issue of a limited certificate to do gasfitting, or by any person, who satisfies the Registrar that he is undergoing instruction or training in drainlaying for the purpose of obtaining registration as a drainlayer under this Act, in respect of an application for or the issue of a limited certificate to do drainlaying.
- (6) For the purposes of subsection (4)(c) of this section, any period during which a person has, before the commencement of this Act, been employed as a drainlayer working under the supervision of a person registered as a drainlayer under the Health Act 1956 shall be deemed to be a period during which the person so working has held a limited certificate to do drainlaying.
- (7) Nothing in this section shall authorise an apprentice plumber or an apprentice gasfitter to do any work in any circumstances, if the doing of that work, or the doing of that work in those circumstances, would be inconsistent with the terms and conditions governing his apprenticeship.

Compare: 1964 No 132 ss 15, 16

### **39 Further provisions as to limited certificates**

- (1) On the registration as a craftsman plumber or as a plumber of any person who holds a limited certificate to do sanitary plumbing, the certificate shall be deemed to be cancelled, and the Registrar shall remove the name of that person, in respect of that certificate, from the Register of Holders of Limited Certificates.
- (2) On the registration as a craftsman gasfitter or as a gasfitter of any person who holds a limited certificate to do gasfitting, the certificate shall be deemed to be cancelled and the Registrar shall remove the name of that person, in respect of that certificate, from the Register of Holders of Limited Certificates.



- (3) On the registration as a drainlayer of any person who holds a limited certificate to do drainlaying, the certificate shall be deemed to be cancelled and the Registrar shall remove the name of that person, in respect of that certificate, from the Register of Holders of Limited Certificates.
- (4) A limited certificate shall not be issued to any person who is or has been a craftsman plumber, a registered plumber, a craftsman gasfitter, a registered gasfitter, or a registered drainlayer, without the approval of the Board.
- (5) In the event of the Registrar refusing to issue a limited certificate to any person, that person may appeal to the Board, which may confirm or reverse the decision of the Registrar, or may direct that a limited certificate be issued to that person when any conditions that it may specify have been met.

Compare: 1964 No 132 s 17

#### *Employer licences*

This heading was inserted, as from 1 April 1993, by section 10 Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125).

### **39A Employer licence**

- (1) Every person shall, on application in the prescribed form (if any) and on payment of the prescribed fee (if any), be entitled to be granted an employer licence by the Secretary, if that person satisfies the Secretary that the person will at all times maintain a system of operation—
  - (a) That complies with such requirements as are prescribed by regulations made under section 66 of this Act ; and
  - (b) That is sufficient to ensure that employees of that person who do any gasfitting—
    - (i) Are competent to carry out the range of work for which they are employed; and
    - (ii) Receive such supervision and training as is necessary to ensure that such work—
      - (A) Is carried out safely and competently; and
      - (B) Complies with the requirements of the Gas Act 1992 and any regulations made under section 54 of that Act.

- (2) The Secretary may impose in respect of any employer licence issued pursuant to this section such conditions as the Secretary thinks fit.
- (3) Subject to any conditions imposed pursuant to subsection (2) of this section and to any regulations made under section 66 of this Act,—
  - (a) An employer licence shall authorise the holder of the licence to authorise any employee of that person to do any gasfitting; and
  - (b) Any authority given under an employer licence to any person to do any gasfitting shall be sufficient authority for the person so authorised to do that work.

Sections 39A to 39E were inserted, as from 1 April 1993, by section 10 Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125).

### **39B Duration and renewal of licence**

- (1) Subject to this section and to section 39C of this Act, every employer licence shall be in force for such period (not exceeding 5 years) as is specified in the licence, and shall come into force on the date of its issue.
- (2) Every employer licence, unless it has been revoked pursuant to section 39C of this Act, may from time to time be renewed in accordance with this section.
- (3) An application for the renewal of an employer licence shall be made in writing, in the prescribed form (if any), to the Secretary, and shall be accompanied by the prescribed fee (if any).
- (4) On receiving an application under subsection (3) of this section, the Secretary shall, subject to subsection (5) of this section, renew the employer licence to which the application relates for such period (not exceeding 5 years) as the Secretary thinks fit.
- (5) The Secretary shall not renew an employer licence unless the Secretary is satisfied that the applicant meets all the requirements for the issue of such a licence.
- (6) Where an application for the renewal of an employer licence has been made but not dealt with before the licence expires, the licence shall continue in force until the application is dealt with by the Secretary, and any renewal in any such case shall

take effect from the date on which the licence would (but for the renewal) have expired.

Sections 39A to 39E were inserted, as from 1 April 1993, by section 10 Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125).

### **39C Revocation of licence**

- (1) Subject to subsection (2) of this section, the Secretary may at any time revoke the employer licence issued to any person if the Secretary is satisfied that the person—
- (a) No longer meets all the requirements for the issue of an employer licence; or
  - (b) Has failed to comply with any condition imposed by the Secretary in respect of that licence; or
  - (c) Has failed to ensure that gasfitting done by employees of that person—
    - (i) Is at all times carried out safely and competently; and
    - (ii) Complies with the requirements of the Gas Act 1992 and any regulations made under section 54 of that Act.
- (2) The Secretary shall not revoke an employer licence issued to any person unless the Secretary has first given that person an opportunity to be heard.

Sections 39A to 39E were inserted, as from 1 April 1993, by section 10 Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125).

### **39D Revocation, etc, of conditions**

The Secretary may at any time revoke, amend, or add to any condition imposed under section 39A(2) of this Act.

Sections 39A to 39E were inserted, as from 1 April 1993, by section 10 Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125).

### **39E Powers of inspection**

- (1) There shall be deemed to be imposed in respect of every employer licence the condition that the Secretary, or any employee of the Ministry authorised by the Secretary for the purpose, may, for the purpose of ensuring compliance with the terms of the licence,—

- (a) At any reasonable time, inspect any premises (not being a dwellinghouse) occupied by the holder of the licence, and for that purpose may enter and re-enter any place:
  - (b) Require the holder of the licence to produce for inspection, within such reasonable period as the Secretary or the employee may specify, any document in the possession or under the control of the holder of the licence, and may take copies of or extracts from any such document:
  - (c) Require the holder of the licence to furnish, within such reasonable period as the Secretary or the employee may specify, such information or particulars as the Secretary or the employee may require.
- (2) If the holder of an employer licence breaches the condition expressed in subsection (1) of this section, the Secretary may revoke that person's licence pursuant to section 39C of this Act.
- (3) Every person shall give reasonable notice of that person's intention to enter any premises pursuant to subsection (1)(a) of this section to the holder of the employer licence, unless the giving of the notice would defeat the purpose of the entry.
- (4) Every person shall, on entering any premises pursuant to subsection (1)(a) of this section, and when requested at any subsequent time, produce—
  - (a) Evidence of that person's authority to enter the premises; and
  - (b) Evidence of that person's identity.
- (5) Nothing in this section authorises any person to enter or search any restricted area within a defence area (within the meaning of the Defence Act 1990 ) unless the person entering that area has a security clearance approved by the person in charge of the area.

Sections 39A to 39E were inserted, as from 1 April 1993, by section 10 Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125).

## **Part 4**

### **Disciplinary provisions**

#### **40 Appointment of investigators**

- (1) For the purposes of this Act, the Board may from time to time appoint any person, not being a member of the Board, who is a registered person, or who is employed by a local authority as an Environmental Health Officer within the meaning of the Health Act 1956, to be an investigator, and may at any time revoke the appointment.
- (2) Appointments may be made under this section either generally or in relation to any particular case or class of cases.
- (3) Notwithstanding subsection (1) of this section, no person who is employed by a local authority shall be appointed to be an investigator without the prior consent of that authority.

Compare: 1964 No 132 s 20

#### **41 Complaints against registered persons or tradespersons**

- (1) Every person (other than an investigator) who wishes to complain to the Board about the conduct of a registered person or a tradesperson shall make his complaint to the Registrar.
- (2) Every complaint shall be in writing.
- (3) The Registrar may require that a complaint be supported by such statutory declarations as he may specify.
- (4) If the Registrar is satisfied, after considering a complaint and any statutory declarations relating to the complaint that he may have required, that the complaint relates to a matter that is within the Board's jurisdiction under section 42 of this Act he shall refer the complaint to the Board.
- (4A) Before considering any complaint in accordance with the succeeding provisions of this Part of this Act, the Board may, if it thinks fit, refer the complaint to an investigator.
- (5) If, after examining the complaint, the investigator considers that it has substance he shall refer it to the Board for consideration by the Board in accordance with the succeeding provisions of this Part of this Act.

- (6) Without limiting subsection (1) of this section, a complaint may be made under this section by a person in the service of the Crown acting in his official capacity.

Subsection (1) was amended, as from 1 April 1993, by section 11 Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125) by inserting the words “or a tradesperson”.

Subsection (4) was amended, as from 14 January 1981, by section 4(1) Plumbers, Gasfitters, and Drainlayers Amendment Act 1980 (1980 No 68) by substituting the words “the Board” for the words “an investigator”.

Subsection (4A) was inserted, as from 14 January 1981, by section 4(2) Plumbers, Gasfitters, and Drainlayers Amendment Act 1980 (1980 No 68).

## 42 Disciplinary powers of Board

- (1) If a registered person—

- (a) Is or has been convicted of an offence relating to plumbing, gasfitting, or drainlaying, against this Act or the Plumbers and Gasfitters Registration Act 1964 or the Health Act 1956, or against any regulations made under this Act or either of those Acts or under the Gas Act 1992 ; or
- (b) After due inquiry, is found by the Board to have been guilty of such improper or incompetent conduct in performing his work, or in charging for it, as renders him unfit to be registered under this Act; or
- (c) After due inquiry, is found by the Board to have been guilty of any other act or omission contrary to the integrity of the trade to which he belongs—

the Board may, if it thinks fit, impose on the registered person any one of the penalties authorised by this section.

- (2) Subject to subsections (5) and (6) of this section, where the Board is entitled under subsection (1) of this section to impose a penalty on a registered person, it may, by writing under the hand of the Chairman,—

- (a) Order that the name of the registered person be removed from the appropriate register:
- (b) Order that the registered person’s registration be suspended for a period not exceeding 12 months:
- (c) Impose a fine on the registered person not exceeding \$10,000:
- (d) Order that the registered person be censured.

- (2A) If a tradesperson, after due inquiry, is found by the Board—
- (a) To have done gasfitting in a negligent, unsatisfactory, or incompetent manner, or in a manner contrary to any enactment relating to gasfitting that was in force at the time the gasfitting was done; or
  - (b) To have done gasfitting that, under the terms of any restriction or limitation that applies in respect of gasfitting that he or she may do, the person is not authorised to do,—  
the Board may, if it thinks fit,—
  - (c) Order that the person be disqualified from doing gasfitting that the person would otherwise be authorised to do in that person's capacity as a tradesperson—
    - (i) Permanently, or for such period as the Board thinks fit; or
    - (ii) Until that person does any 1 or more of the following things:
      - (A) Passes any specified examination;
      - (B) Completes any specified period of training;
      - (C) Attends any specified course of instruction; or
  - (d) Order that the authority conferred by this Act on that person in that person's capacity as a tradesperson to do gasfitting be restricted, for such period as the Board thinks fit, in any 1 or more of the following ways:
    - (i) The person shall be limited to such work as the Board may specify, and in imposing such a limitation the Board may also impose limitations on the circumstances in which the person may do that work;
    - (ii) The person shall be limited to work only on premises approved by the Board;
    - (iii) The person shall be limited to work only in the employ of an employer approved by the Board; or
  - (e) Order that the person be censured.
- (3) In the case of a person who is registered in more than one capacity, the Board may exercise its powers under paragraph (a)

and paragraph (b) of subsection (2) of this section by ordering that the person's name be removed from each register in which it appears or from such one or more of the registers as the Board may think fit, or, as the case may require, by ordering that the person's registration be suspended in respect of each such capacity or such one or more of those capacities as the Board may think fit.

- (4) Notwithstanding subsection (1) of this section, if the Board suspends or censures a registered person it may also impose a fine on him under subsection (2)(c) of this section.
- (5) The Board shall not impose a fine on a registered person, nor order that he be censured, on the ground of an offence committed before the date of his registration.
- (6) The Board shall not exercise any of its disciplinary powers against a registered person on the ground of an offence committed before the date of his registration if, at that date, the Board knew of his conviction for that offence.
- (7) The Board shall not impose a fine upon a registered person under subsection (2)(c) of this section where the Board's inquiry relates to an act or omission that constitutes an offence of which the person has been convicted by a Court in New Zealand, if the offence is punishable by imprisonment or a fine.
- (8) The Board may, by writing under the hand of the Chairman, instead of or in addition to imposing a penalty on a registered person or a tradesperson under subsection (2) or, as the case may be, subsection (2A) of this section, order the person to pay the whole or any part of the costs and expenses of and incidental to the inquiry by the Board and the preceding investigation by an investigator.
- (9) Each fine imposed, and all costs and expenses payable, under this section shall be recoverable as a debt due to the Board.
- (10) While an order of suspension of registration of a person in a particular capacity under this section remains in force, the person shall be deemed for the purposes of the provisions of this Act, other than this Part, not to be registered in respect of that capacity; but on the expiry of the order his rights and privileges as a registered person in that capacity shall be revived as from the date of the expiry.



- (10A) While an order under subsection (2A) of this section disqualifying a tradesperson from doing gasfitting remains in force, the person in respect of whom the order is made shall be deemed, for the purposes of the provisions of this Act, not to be a tradesperson; but forthwith on the expiry of the order, that person's rights and privileges as a tradesperson shall be revived as from the date of the expiry.
- (11) Subject to subsections (12) and (13) of this section, a person whose name has been removed from a register under this section, or from the corresponding register under the corresponding provisions of any previous enactment, may apply to the Board for the restoration of his name to the register; and the provisions of sections 27 to 30 of this Act, so far as they are applicable and with the necessary modifications, shall apply in respect of the application.
- (12) In an order under this section directing the name of a person to be removed from a register, the Board and, in the event of an appeal against any such order, the High Court, may fix a time after which the person whose name is so removed may apply to have his name restored to the register.
- (13) If neither the Board nor the High Court fixes a time, the Board may refuse to consider any such application for such time as it thinks just.
- (14) No order that the name of a person be removed from a register, and no order of suspension or disqualification or restriction or censure, shall take effect, and no fine or costs or expenses shall be payable, in any case until the expiry of a period of 28 days after the notification by the Board to the person affected of the making of the order.
- (15) If, within the period of 28 days referred to in subsection (14) of this section, the person gives due notice of appeal, the order shall not take effect, and no fine or costs or expenses shall be payable, unless and until the order is confirmed by the High Court, or the appeal is withdrawn or for any reason dismissed by that Court.

Compare: 1964 No 132 s 22

Subsection (2)(c) was amended, as from 21 October 1999, by section 8 Plumbers, Gasfitters, and Drainlayers Amendment Act 1999 (1999 No 138) by substituting the expression "\$10,000" for the expression "\$100".

Subsection (2A) was inserted, as from 1 April 1993, by section 12(1) Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125).

Subsection (8) was amended, as from 1 April 1993, by section 12(2) Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125) by substituting “or a tradesperson under subsection (2) or, as the case may be, subsection (2A)” for “under subsection (2)”.

Subsection (10A) was inserted, as from 1 April 1993, by section 12(3) Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125).

Subsection (14) was amended, as from 1 April 1993, by section 12(4) Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125) by inserting “or disqualification or restriction”.

The words “High Court” were substituted, as from 1 April 1980, for the words “Supreme Court” pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

The Gas Industry Act 1958 (1958 No 43) was repealed, as from 1 February 1983, by section 72(1) Gas Act 1982 (1982 No 27). That Act was in turn repealed, as from 1 April 1993, by section 58(1) Gas Act 1992 (1992 No 124).

### **43 Procedure**

- (1) Where a complaint is referred or made to the Board under this Part of this Act the Board shall, before acting under section 42 of this Act, cause to be served on the registered person or tradesperson concerned a notice stating that the Board has reason to believe that a ground exists entitling the Board to exercise its powers under that section, and specifying the ground with sufficient particularity to enable the person to understand the nature of the allegation against him.
- (2) A notice shall specify the time, date, and place for the hearing of the matter by the Board.
- (3) A notice may require the registered person or tradesperson to notify the Board in writing, not later than some specified date before the date proposed for the hearing of the matter, as to whether or not he intends to appear before the Board at the hearing.
- (4) If the registered person or tradesperson fails to notify his intention as required by the notice, or notifies the Board that he does not intend to appear, he shall not be entitled to appear and be heard except by leave of the Board granted on such conditions as to the payment of costs or otherwise as the Board thinks fit.
- (5) Where the registered person or tradesperson has notified the Board that he intends to appear, the Board may, with the con-

- sent of the registered person or tradesperson, constitute a committee of the Board to hear and determine the matter.
- (6) The determination of a committee appointed under subsection (5) of this section in respect of a complaint against a registered person shall be of no effect until it has been confirmed by the Board, which shall have power—
- (a) To determine that no penalty be imposed; or
  - (b) To reduce the penalty determined by the committee by suspending the registered person's registration for a period or imposing a fine, instead of removing his name from a register; or
  - (c) To reduce the period of suspension of registration or the fine determined by the committee; or
  - (d) To substitute a fine for a period of suspension; or
  - (e) To substitute a censure for any of the other penalties; or
  - (f) To rescind or modify an order to pay costs and expenses.
- (6A) The determination of a committee appointed under subsection (5) of this section in respect of a complaint against a tradesperson shall be of no effect until it has been confirmed by the Board, which shall have power—
- (a) To determine that no penalty be imposed; or
  - (b) To reduce the penalty determined by the committee by substituting, for an order made under section 42(2A)(c) of this Act, an order under section 42(2A)(d) of this Act ; or
  - (c) To reduce the period of disqualification imposed pursuant to section 42(2A)(c) of this Act ; or
  - (d) To substitute a censure for any of the other penalties; or
  - (e) To rescind or modify an order to pay costs and expenses.
- (7) The succeeding provisions of this section and sections 44 to 48 of this Act shall apply in respect of any proceedings before a committee under subsection (5) of this section as if they were proceedings before the Board, and for that purpose the committee and the chairman of the committee shall have the powers and discretions respectively conferred on the Board and the Chairman of the Board by sections 45, 47, and 48 of this Act.
- (8) A complaint shall be prosecuted at the hearing by the investigator who was appointed by the Board under section 41(4A)

of this Act to examine the complaint or (if no investigator was so appointed for that purpose) by an investigator appointed by the Board, and for that purpose he may be represented at the hearing by counsel or otherwise.

- (9) Subject to subsection (4) of this section, the registered person or tradesperson shall be entitled to appear and be heard at the hearing, and to be represented by counsel or otherwise.
- (10) In all proceedings under this Part of this Act the Board shall observe the rules of natural justice.
- (11) The Board may receive evidence whether or not it would be admissible in a Court of law.
- (12) The decision of a majority of the members of the Board present at any proceedings held under this Part of this Act shall be the decision of the Board.
- (13) Unless the Board otherwise directs, proceedings held under this Part of this Act shall not be open to the public.
- (14) Every order, decision, or determination of the Board under this Part of this Act shall be committed to writing, shall contain a statement of the reasons on which it is based, and shall be signed by the Chairman of the Board.
- (15) A copy of every order, decision, or determination of the Board under this Part of this Act shall be served by the Registrar on the registered person or tradesperson in respect of whom it was made.

Compare: 1964 No 132 s 23

Subsections (1), (3), (4), and (5) were amended, as from 1 April 1993, by section 13(1) Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125) by inserting the words “or tradesperson”.

Subsection (1) was amended, as from 14 January 1981, by section 5(1) Plumbers, Gasfitters, and Drainlayers Amendment Act 1980 (1980 No 68) by omitting the words “by an investigator”.

Subsection (6) was amended, as from 1 April 1993, by 13(2) Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125) by inserting the words “in respect of a complaint against a registered person”.

Subsection (6A) was inserted, as from 1 April 1993, by section 13(3) Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125).

Subsection (8) was amended, as from 14 January 1981, by section 5(2) Plumbers, Gasfitters, and Drainlayers Amendment Act 1980 (1980 No 68) by substituting the words “was appointed by... the Board”.

Subsections (9) and (15) were amended, as from 1 April 1993, by section 13(1) Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125) by inserting the words “or tradesperson”.

**44 Appointment of legal assessor**

- (1) For the purposes of advising the Board on questions of law and procedure arising in proceedings under this Part of this Act, the Board may appoint an assessor, who shall be a barrister or solicitor, to attend the proceedings.
- (2) The Board shall pay to the assessor, by way of remuneration and expenses for his services in respect of the proceedings, such sum as may be agreed upon between the assessor and the Board.

**45 Board may require witnesses to attend and give evidence**

- (1) The Board, by notice in writing under the hand of the Chairman or the Registrar, may, on tendering proper travelling expenses, require a person to attend and give evidence before it at an inquiry under this Part of this Act, and to produce all books, documents, papers, equipment, or things that are in that person’s custody or under his control and that relate to the subject-matter of the inquiry.
- (2) The Board may require evidence to be given on oath, and either orally or in writing, and for that purpose the person presiding at any meeting of the Board may administer an oath to any person.
- (3) Every person who, without lawful justification, refuses or fails to give evidence when required to do so by the Board, or to answer truly and fully any question put to him by the Board, or to produce to the Board any book, document, paper, equipment, or thing required of him, commits an offence and is liable on summary conviction to a fine not exceeding \$100.

Compare: 1964 No 132 s 24

**46 Immunity of witnesses and counsel**

Witnesses and counsel shall have the same privileges and immunities in relation to inquiries before the Board as if the inquiries were proceedings in a Court of law.

Compare: 1964 No 132 s 25

**47 Witnesses' expenses**

- (1) A witness giving evidence or intending to give evidence at the hearing of an inquiry under this Part of this Act shall be entitled in the discretion of the Board to such sum for his expenses and loss of time as the Board may determine.
- (2) Subject to an order made by the Board or by the High Court as to the payment of costs and expenses, all such witnesses' expenses shall be paid by the Board.

Compare: 1964 No 132 s 26

The words "High Court" were substituted, as from 1 April 1980, for the words "Supreme Court" pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

**48 Power to adjourn and postpone**

Subject to this Act, the Board may from time to time adjourn the hearing of any proceedings pending before it under this Part of this Act, and may postpone any finding or judgment until a further meeting of the Board.

**49 Application of disciplinary provisions to holders of limited certificates**

- (1) Subject to the provisions of this section, the provisions of sections 41 to 48 of this Act shall apply in respect of holders of limited certificates in the same manner and to the same extent as they apply in respect of registered persons.
- (2) The Board shall not order that the name of a person be removed from the Register of Holders of Limited Certificates, but when making an order of suspension of registration in respect of any person so registered the Board shall specify the limited certificate or certificates that is or are to be cancelled, and such certificate or certificates shall, subject to the provisions of section 42(14) of this Act, be deemed to be cancelled accordingly.
- (3) When a limited certificate held by any person is deemed to be cancelled under subsection (2) of this section, the Registrar shall, in respect of that certificate, remove the name of that person from the Register of Holders of Limited Certificates,

and shall not issue to him a limited certificate or provisional licence of any sort until the order of suspension has expired.

Compare: 1964 No 132 s 28

## **Part 5**

### **Offences and legal proceedings**

#### **50 Offences**

- (1) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$10,000 who—
  - (a) Not being a craftsman plumber, or not being a registered plumber, or not being a craftsman gasfitter, or not being a gas inspector, or not being a registered gasfitter, or not being a registered drainlayer, as the case may require, uses or causes to be used, in connection with his business or trade or calling, any words, titles, or initials, or any abbreviations of any words, titles, or initials, that are intended to cause, or that may reasonably cause, people to believe that he is a craftsman plumber, or a registered plumber, or a craftsman gasfitter, or a gas inspector, or a registered gasfitter, or a registered drainlayer, as the case may be; or
  - (b) Causes or permits the publication of any advertisement that purports to advertise the business of a craftsman plumber or of a craftsman gasfitter or of a registered drainlayer without specifying the name under which the craftsman plumber or craftsman gasfitter or registered drainlayer is registered under this Act; or
  - (c) Subject to sections 54 to 56A of this Act, being a registered plumber but not being a craftsman plumber, or being a craftsman plumber but not holding a current licence as a craftsman plumber, does any sanitary plumbing, otherwise than in premises occupied by him, and otherwise than under the direction of a craftsman plumber holding a current licence as such; or
  - (d) Subject to sections 39A and 57 of this Act, being a registered gasfitter but not being a craftsman gasfitter, or being a craftsman gasfitter but not holding a current licence as a craftsman gasfitter, does any gasfitting, other-

- wise than in premises occupied by him, and otherwise than under the direction of a craftsman gasfitter holding a current licence as such; or
- (e) Subject to section 38 and sections 53 to 56A of this Act, does any sanitary plumbing while not holding a current licence as a craftsman plumber or as a registered plumber; or
  - (f) Subject to sections 38, 39A, and 57 of this Act, does any gasfitting while not holding a current licence as a craftsman gasfitter or as a registered gasfitter; or
  - (fa) Does any work authorised by or under this Act to be done by a gas inspector while not holding a current licence as a gas inspector; or
  - (fb) Knowingly employs or permits or pays any person to do any work authorised by or under this Act to be done by a gas inspector when that work is done contrary to the provisions of this Act; or
  - (g) Subject to section 38 of this Act, does any drainlaying while not holding a current licence as a registered drainlayer; or
  - (h) Knowingly employs or permits or pays any person to do any sanitary plumbing or gasfitting or drainlaying contrary to the provisions of this Act; or
  - (i) Allows his certificate of registration, licence, or limited certificate to be used by any other person.
- (2) No person shall be convicted of an offence against paragraph (c), or, in relation to sanitary plumbing performed by a registered plumber, paragraph (h), of subsection (1) of this section in respect of anything done before the 1st day of October 1977.
  - (3) No person shall be convicted of an offence against paragraph (d), or, in relation to gasfitting performed by a registered gasfitter, paragraph (h), of subsection (1) of this section in respect of anything done before the 1st day of October 1977.
  - (4) No person, who, immediately before the commencement of this Act, was registered as a drainlayer under the Health Act 1956, shall be convicted of an offence, in relation to his business or trade of drainlaying, against paragraph (a), or of an



offence against paragraph (g), of subsection (1) of this section in respect of anything done before the 1st day of October 1977.

Compare: 1964 No 132 s 34

Subsection (1) (that part before paragraph (a) ) was amended, as from 21 October 1999, by section 9 Plumbers, Gasfitters, and Drainlayers Amendment Act 1999 (1999 No 138) by substituting the expression “\$10,000” for the expression “\$500”.

Subsection (1)(a) was amended, as from 1 April 1993, by section 14(1)(a) Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125) by inserting the words “or not being a gas inspector,”, and amended by section 14(1)(b) of that Act by inserting the words “or a gas inspector,”.

Subsection (1)(c) was amended, as from 14 January 1981, by section 7(2) Plumbers, Gasfitters, and Drainlayers Amendment Act 1980 (1980 No 68) by substituting the expression “56A” for the expression “56”.

Subsection (1)(d) was amended, as from 1 April 1993, by section 14(2) Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125) by substituting the expression “sections 39A and 57” for the expression “section 57”.

Subsection (1)(e) was amended, as from 14 January 1981, by section 7(2) Plumbers, Gasfitters, and Drainlayers Amendment Act 1980 (1980 No 68) by substituting the expression “56A” for the expression “56”.

Subsection (1)(f) was amended, as from 14 January 1981, by section 14(3) Plumbers, Gasfitters, and Drainlayers Amendment Act 1980 (1980 No 68) by inserting the expression “, 39A,”.

Subsection (1)(fa) and (fb) were inserted, as from 1 April 1993, by section 14(4) Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125).

## **50A Offence to contravene condition of employer licence**

Every person commits an offence and is liable on summary conviction to a fine not exceeding \$10,000 who, being the holder of an employer licence, acts in contravention of, or fails to comply with, any condition of the licence.

Section 50A was inserted, as from 1 April 1993, by section 15 Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125).

## **51 Onus of proof**

- (1) In a prosecution for an offence against this Act, the onus shall be on the defendant to prove, where the facts are in issue, that he is or at all material times was, a registered person or a tradesperson or the holder of a licence or of a limited certificate under this Act, as the case may be.
- (2) The production by the defendant of a certificate or licence issued in accordance with this Act under the hand of the Regis-

trar or (in the case of an employer licence) under the hand of the Secretary shall, in the absence of proof to the contrary, be sufficient evidence of the facts stated in the certificate or licence.

- (3) In a prosecution for an offence against this Act, a certificate purporting to be under the hand of the Registrar to the effect that a person is not registered, or is not the holder of a licence or of a limited certificate under this Act, or to the effect that that person's registration is suspended or is not in force, either generally or in relation to any particular register, or particular class of licence or limited certificate, or to the effect that a person is disqualified from doing gasfitting by virtue of an order made under section 42(2A)(c) of this Act, or that the authority of a person to do gasfitting in that person's capacity as a tradesperson is restricted by virtue of an order made under section 42(2A)(d) of this Act, shall, in the absence of proof to the contrary, be sufficient evidence of any such fact that is stated in the certificate.
- (4) In a prosecution for an offence against this Act, a certificate purporting to be under the hand of the Secretary to the effect that a person is not the holder of an employer licence shall, in the absence of proof to the contrary, be sufficient evidence of the fact stated in the certificate.

Compare: 1964 No 132 s 35

Subsection (1) was amended, as from 1 April 1993, by section 16(1) Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125) by inserting the words "or a tradesperson".

Subsection (2) was amended, as from 1 April 1993, by section 16(2) Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125) by inserting the words "or (in the case... Secretary".

Subsection (3) was amended, as from 1 April 1993, by section 16(3) Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125) by inserting the words " , or to the effect... 42(2A)(d) of this Act,".

Subsection (4) was inserted, as from 1 April 1993, by section 16(4) Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125).

## 52 Time for laying information

Notwithstanding section 14 of the Summary Proceedings Act 1957, an information in respect of an offence against this Act

may be laid at any time within 3 years after the time when the matter of the information arose.

Compare: 1964 No 132 s 36

## **Part 6**

### **Provisions relating to exemptions**

#### **53 Exemption in respect of fixing of water heaters by gasfitters**

- (1) Notwithstanding anything in this Act, a craftsman gasfitter or registered gasfitter who holds a current licence and who satisfies the Board, by examination or otherwise, that he is competent to perform the work of fixing or unfixing a gas water heater, or any pipe that supplies or is intended to be a means of supplying water to such heater or hot water from such a heater to any fitting or appliance, whether or not any fitting or appliance is there when the work is done, may, subject to the provisions of any other enactment, perform that work, but only, in the case of a registered gasfitter, in circumstances in which a registered plumber is authorised by this Act to perform that work.
- (2) Notwithstanding anything in this Act, a holder of a limited certificate to do gasfitting may, subject to paragraph (a) of subsection (4) of section 38 of this Act, or to paragraph (b) of that subsection (for which purpose the work shall be deemed to be gasfitting) as the case may require, and to the provisions of any other enactment, do the work mentioned in subsection (1) of this section, if the person under whose supervision or in whose employment he is working is a craftsman plumber, or a registered plumber, or a craftsman gasfitter, or a registered gasfitter authorised to do that work.

Compare: 1964 No 132 s 37

#### **54 Exemption for householders**

- (1) Notwithstanding anything in any bylaw requiring sanitary plumbing to be done only by specified persons or classes of persons, and notwithstanding anything in this Act, the owner of any premises situated in a place to which this subsection

applies and occupied by him as a residence or intended residence for himself, or for himself and members of his family, may, subject to the provisions of any other enactment, personally do any sanitary plumbing in those premises, with or without the assistance of any member of his family living with him, but without the assistance of any other person.

- (2) For the purposes of subsection (1) of this section **owner**, in relation to any premises, means the person who would for the time being be entitled to receive the rack rent of the premises on his own account if the premises were let.
- (3) Subsection (1) of this section shall apply to every place that the Minister, after consultation with the local authority, from time to time specifies by notice in the *Gazette*.
- (4) Neither the operation of subsection (1) of this section, nor anything in section 56 of this Act, shall prohibit any person from completing any sanitary plumbing that he has lawfully commenced.
- (5)
- (6)

Compare: 1964 No 132 s 38

Subsection (3) was substituted, as from 14 January 1981, by section 6 Plumbers, Gasfitters, and Drainlayers Amendment Act 1980 (1980 No 68).

Subsection (4) was substituted, as from 14 January 1981, by section 6 Plumbers, Gasfitters, and Drainlayers Amendment Act 1980 (1980 No 68).

Subsections (5) and (6) were repealed, as from 14 January 1981, by section 6 Plumbers, Gasfitters, and Drainlayers Amendment Act 1980 (1980 No 68).

## **55 Exemption of areas in rural districts**

- (1) Notwithstanding any of the other provisions of this Act, the Minister may from time to time, by notice in the *Gazette*, designate any area, other than an area that forms part of a city, a borough, or a town district, as an area where sanitary plumbing may be done by any person.
- (2) Notwithstanding any of the other provisions of this Act, but subject to any other enactment, a person may do any sanitary plumbing in any area in respect of which a notice given under subsection (1) of this section is for the time being in force.
- (3) The Minister may at any time vary or revoke any notice issued under subsection (1) of this section.

- (4) The Minister shall not issue any notice under subsection (1) of this section, or vary or revoke any such notice under subsection (3) of this section, until after consultation with the appropriate local authority.
- (5) Neither the variation or revocation of a notice under this section, nor anything in section 56 of this Act, shall prevent any person from completing any sanitary plumbing that he has lawfully commenced.

Compare: 1964 No 132 s 39

Subsection (4) was amended, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84), by omitting the words “county council or other”. See sections 273 to 314 of that Act as to the savings and transitional provisions.

## **56 Provisions relating to alteration of boundaries of local authority districts**

- (1) Where the whole or any part of the district of any local authority in which subsection (1) of section 54 or subsection (1) of section 55 of this Act is for the time being in force is included within the district of any other local authority, the said subsection or, as the case may require, each of the said subsections shall cease to apply to the district or part of the district so included unless—
  - (a) The said subsection or, as the case may require, each of the said subsections is in force in the district of the last-mentioned local authority; or
  - (b) the Order in Council giving effect to the relevant reorganisation scheme under the Local Government Act 2002 specifies that section 54(1) or section 55(1) or, as the case may require, each of those subsections is to continue in force in the first-mentioned district or part of the district
- (2) If the whole or any part of the district of a local authority is included within the district of any other local authority to which section 54(1) or section 55(1) is for the time being in force then, unless the Order in Council giving effect to the relevant reorganisation scheme under the Local Government Act 2002 otherwise provides, section 54(1) or section 55(1) or each of those subsections, as the case may require, comes into force

in the district or part of the district so included on the date on which the relevant reorganisation scheme becomes operative.

Subsection (1)(b) was substituted, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

Subsection (2) was substituted, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

### **56A Exemption in respect of sanitary plumbing**

Notwithstanding anything in this Act, but subject to any regulations made under this Act and to the provisions of any other enactment, any person who satisfies the Board, whether by examination or otherwise, that he is competent to install and maintain particular sanitary plumbing equipment or sanitary plumbing equipment of a particular kind may, either personally or by some other person acting under his direct personal supervision,—

- (a) Install and maintain in any industrial or commercial premises the equipment or equipment of a kind specified in writing by the Board as equipment of a kind that may be installed and maintained by him; and
- (b) Fix or unfix pipes for the purposes of such installation and maintenance.

Section 56A was inserted, as from 14 January 1981, by section 7(1) Plumbers, Gasfitters, and Drainlayers Amendment Act 1980 (1980 No 68).

### **57 Exemptions in respect of gasfitting**

(1) Notwithstanding anything in this Act, but subject to any regulations made under this Act and to the provisions of any other enactment, the Board, on being satisfied that any person (whether by examination or otherwise) is—

- (a) Competent to install and maintain particular fittings or gas appliances, or fittings or gas appliances of a particular kind; or
- (b) Competent to supervise persons doing particular gasfitting, to test and certify particular work, and to connect the work to a supply of gas, in accordance with subsection (5) of this section,—

may, as the case may be, authorise any person to—

- (c) Either personally or by some other person acting under his or her direct personal supervision—
    - (i) Install and maintain any fittings or gas appliances to which paragraph (a) of this subsection applies; and
    - (ii) Carry out any other gasfitting for the purposes of paragraph (a) of this subsection ; or
  - (d) Supervise, test and certify, and connect particular work, in accordance with subsection (5) of this section — and may place time limits on the authorisation, impose any other reasonable conditions on the authorisation, and revoke the authorisation if such other conditions are not complied with.
- (2) Notwithstanding anything in this Act, any person (being a person who is engaged in any profession, trade, or calling specified in that behalf in regulations made under section 66 of this Act, or in any class of profession, trade, or calling so specified) may do any gasfitting in the course of that person’s profession, trade, or calling, if—
- (a) The work done by that person is within the limits prescribed by regulations made under section 66 of this Act for the purposes of this subsection; and
  - (b) The work is carried out in accordance with the requirements of any regulations made under section 54 of the Gas Act 1992 ; and
  - (c) The work is carried out in a competent manner.
- (3) Nothing in this Act shall apply in respect of any person doing gasfitting on any industrial premises that have a design capacity for energy consumption by gas-fired installations of more than 60,000 megajoules per hour, if the person in charge of the industrial plant on those premises has been approved for the purposes of this subsection by the Secretary.
- (4) Notwithstanding anything in this Act, if any pipe conveying or intended to convey gas is installed underground from the outlet connection of a gas meter to any premises, any person may, with the prior approval of any gas operator (within the meaning of the Gas Act 1992 ) supplying that gas to those premises, or of the Natural Gas Corporation of New Zealand Limited, if

the gas is supplied to the premises by that corporation, fix or unfix that pipe.

- (5) Notwithstanding anything in this Act, but subject to any regulations made under this Act, any person may do any gasfitting if—
- (a) The work done by that person is carried out under the supervision of a craftsman gasfitter or a person authorised under subsection (1)(d) of this section ; and
  - (b) While that work is done, no pipe or appliance in respect of which that gasfitting is done is connected to any supply of gas; and
  - (c) The work is—
    - (i) Tested and certified in accordance with regulations made under section 54 of the Gas Act 1992 ; and
    - (ii) Connected to a supply of gas—  
by a craftsman gasfitter or a person authorised under subsection (1)(d) of this section, or by a registered gasfitter acting under the authority of a craftsman gasfitter.
- (6) In subsection (5) of this section, the term **supervision**, in relation to any work, means that the work is undertaken under such control and direction of a craftsman gasfitter or a person authorised under subsection (1)(d) of this section as is sufficient to ensure that the work is performed competently and safely.

Subsection (2) was substituted, and subsection (2A) was inserted, as from 14 January 1981, by section 8 Plumbers, Gasfitters, and Drainlayers Amendment Act 1980 (1980 No 68).

Section 57 was substituted, as from 1 April 1993, by section 17 Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125).

Subsection (1) was substituted, as from 28 September 1993, by section 3(1) Plumbers, Gasfitters, and Drainlayers Amendment Act 1993 (1993 No 146).

Subsection (5)(a) was amended, as from 28 September 1993, by section 3(2)(a) Plumbers, Gasfitters, and Drainlayers Amendment Act 1993 (1993 No 146) by inserting the words “or a person authorised under subsection (1)(d) of this section”.

Subsection (5) (that part after paragraph (c)) was amended, as from 28 September 1993, by section 3(2)(b) Plumbers, Gasfitters, and Drainlayers Amendment Act 1993 (1993 No 146) by inserting words “or a person authorised under subsection (1)(d) of this section”.

Subsection (6) was amended, as from 28 September 1993, by section 3(3) Plumbers, Gasfitters, and Drainlayers Amendment Act 1993 (1993 No 146) by



inserting the words “or a person authorised authorised under subsection (1)(d) of this section”.

## **Part 7 Appeals to High Court**

The words “High Court” were substituted, as from 1 April 1980, for the words “Supreme Court” pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

The PART 7 Heading was amended, as from 15 August 1991, by section 3(4) Judicature Amendment Act 1991 (1991 No 60) by omitting the words “Administrative Division of”.

### **58 Matters on which appeals lie**

- (1) A person who is dissatisfied with a decision or order of the Board—
  - (a) Refusing an application by him for registration; or
  - (b) Refusing an application by him for a limited certificate; or
  - (c) Refusing to restore his name to a register under Part 2 of this Act ; or
  - (d) Amending or refusing to amend the particulars of his registration; or
  - (da) Under section 36C of this Act relating to that person; or
  - (e) Ordering that his name be removed from a register, or that his registration be suspended; or
  - (ea) Under section 42(2A) of this Act relating to that person; or
  - (f) Imposing a fine on him; or
  - (g) Censuring him; or
  - (h) Requiring him to pay any costs of or incidental to any inquiry; or
  - (i) Refusing to consider an application for the restoration of his name to a register under section 42 of this Act — may, within 28 days after notice of the decision or order has been communicated to him by the Registrar of the Board, appeal to the High Court against the whole or any part of the decision or order.
- (2) Any person who is dissatisfied with the whole or any part of—
  - (a) Any decision of the Registrar under section 36D of this Act relating to that person; or

- (b) Any decision of the Secretary under section 39A or section 39B or section 39C or section 39D of this Act relating to that person—

may, within 28 days after notice of the decision has been communicated to that person, appeal to the High Court against the decision.

Compare: 1964 No 132 s 29

Subsection (1)(da) was inserted, as from 1 April 1993, by section 18(1) Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125).

Subsection (1)(ea) was inserted, as from 1 April 1993, by section 18(2) Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125).

Subsection (2) was repealed, as from 15 August 1991, by section 3(4) Judicature Amendment Act 1991 (1991 No 60).

Subsection (2) was inserted, as from 1 April 1993, by section 18(3) Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125).

The words “High Court” were substituted, as from 1 April 1980, for the words “Supreme Court” pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

## **59 Decisions of Court in respect of appeals under this Part**

- (1) The Court may, on hearing an appeal under this Part of this Act, confirm, reverse, or modify the decision, direction, or order of the Board or, as the case may require, the Registrar or the Secretary, or may give any decision, or make any direction or order, that the Board or, as the case may require, the Registrar or the Secretary could have given or made in respect of the matter.
- (2) Nothing in this section shall empower the Court to review any part of the decision, direction, or order of the Board or the Registrar or the Secretary other than the part against which the appeal has been brought.
- (3) The decision of the Court in any such appeal shall be final.

Subsection (1) was substituted, as from 1 April 1993, by section 19(1) Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125).

Subsection (2) was amended, as from 1 April 1993, by section 19(2) of the same Act by substituting the words “decision, direction... the Secretary” for the words “Board’s decision”.

Subsection (3) was inserted, as from 15 August 1991, by section 3(4) Judicature Amendment Act 1991 (1991 No 60).

**60 Procedure on appeal**

Subject to this part of this Act, the procedure in respect of an appeal shall be in accordance with the rules of the Court.

**61 Decision of committee of Board deemed to be decision of Board**

For the purposes of this Part of this Act, a decision of a committee of the Board appointed to exercise on behalf of the Board any function or power conferred on the Board under Part 2 or section 36C of this Act shall be deemed to be a decision of the Board.

Section 61 was amended, as from 1 April 1993, by section 20 Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125) by inserting the expression “or section 36C”.

**Part 8  
Miscellaneous provisions**

**62 Exclusion of liability**

- (1) Neither the Board, nor any committee appointed by the Board, nor an investigator appointed under section 40, nor an assessor appointed under section 44, nor any member, officer, agent, or employee of the Board or of any of those persons, is under any criminal or civil liability in respect of—
  - (a) Any act done or omitted to be done in the course of the exercise or intended exercise of any of their functions, duties, or powers under this Act; or
  - (b) Any words spoken or written at, or for the purposes of, the hearing of any inquiry or other proceedings under this Act; or
  - (c) Anything contained in any notice given under this Act.
- (2) Subsection (1) does not exclude the liability of any body or person for anything done or omitted in bad faith or without reasonable care.
- (3) Subsection (1) does not exclude the liability of the Board in respect of a power that is conferred solely by section 5(2) or section 13.

Section 62 was substituted, as from 21 October 1999, by section 10 Plumbers, Gasfitters, and Drainlayers Amendment Act 1999 (1999 No 138).

**63 Application of Act in relation to local authorities**

- (1) Every local authority shall enforce within its district the provisions of this Act relating to plumbing and drainlaying that require enforcement.
- (2)
- (3) No craftsman plumber or registered plumber or craftsman gasfitter or registered gasfitter or registered drainlayer or holder of a limited certificate shall be required under any bylaw made by a local authority to pass any examination or to obtain any licence or to pay any licence fee in order to practice the trade of sanitary plumbing or gasfitting or drainlaying, as the case may require.
- (4) In relation to sanitary plumbing, the expression **local authority** in subsection (1) of this section, includes any drainage board for the time being undertaking the regulation of sanitary plumbing or drainlaying within its district, and, in subsections (2) and (3) of this section, includes any drainage board.
- (5) In relation to drainlaying, the expression **local authority** in subsections (1) to (3) of this section, includes any drainage board.
- (6)

Compare: 1964 No 132 s 41

Subsection (2) was repealed, as from 1 July 1992, by section 92(1) Building Act 1991 (1991 No 150).

Subsection (6) was repealed, as from 1 April 1993, by section 21 Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125).

**64 Reciprocity**

The Board may from time to time make arrangements with the appropriate authorities controlling the registration or recognition of drainlayers, gasfitters, or plumbers elsewhere than in New Zealand for the reciprocal recognition of registration, certificates, or other evidence of proficiency in drainlaying, gasfitting, or sanitary plumbing.

Compare: 1964 No 132 s 42 ; 1967 No 22 s 6

**65 Extension of application of Act**

The Governor-General may from time to time by Order in Council specify any description of work relating to the supply

of gas (not being gasfitting within the meaning of this Act), or any description of plumbing work (not being sanitary plumbing within the meaning of this Act), and may by the order direct that, subject to such exceptions and modifications as may be specified in the order, such provisions of this Act as may be so specified (including provisions relating to offences or penalties) shall have effect in relation to work of either of those descriptions as they have effect in relation to gasfitting or sanitary plumbing; and, as from a date to be specified in the order, the provisions of this Act shall apply accordingly.

## **66 Regulations**

- (1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:
- (a) Prescribing the form of and the method of keeping the registers:
  - (b) Prescribing the forms required for the purposes of this Act, or providing for the Board to prescribe those forms:
  - (c) Providing that limited certificates shall be renewable at such intervals or on or before such dates as may be prescribed, and providing for the lapsing of such certificates if not so renewed:
  - (d)
  - (e) Prescribing examinations for the purposes of this Act, the bodies or persons by whom any such examinations are to be conducted, the conduct of any such examinations, and the fees payable in respect of any such examinations:
  - (f) Prescribing the nature and duration of any training or experience necessary for the purpose of obtaining registration under this Act, and relating any period so prescribed to the time of undertaking any examination for such purpose:
  - (fa) Prescribing, for the purposes of section 39A(1)(a) of this Act, requirements in relation to the system of operation to be maintained by holders of an employer licence:

- (fb) Prescribing the limits or scope of work which any person to whom section 57(2) of this Act applies may do:
  - (fc) Prescribing, for the purposes of section 57(2) of this Act, professions, trades, or callings, or classes of professions, trades, or callings, in the course of which persons may do gasfitting work:
  - (g) Restricting and regulating the performance of particular kinds of sanitary plumbing, gasfitting, or drainlaying, whether by reference to the nature of the work or by reference to the kind of premises, operations, equipment, materials, or substances involved, or otherwise, and prohibiting or restricting persons (whether or not they are registered persons), or any specified class of persons, or persons not possessing specified qualifications or not belonging to a specified class, from performing any such specified kinds of work, and providing for the issue of licences to do any such work, and prescribing fees in respect of such licences:
  - (h) Regulating the procedure of the Board:
    - (i)
    - (j) Providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for the due administration thereof.
- (2) Any regulation made under subsection (1) of this section may make different provisions in respect of different classes of registered persons, or different classes of holders of limited certificates, or different classes of persons undertaking examinations or undergoing training or acquiring experience.
- (3) Nothing in subsection (1) of this section, or in any regulations made under that subsection, shall prevent the Board approving, for the purposes of sections 21 to 25 of this Act, an examination that is not prescribed under that subsection.
- (4) Notwithstanding section 1(2) of this Act, any regulation made under subsection (1) of this section pursuant to the authority conferred by section 12 of the Acts Interpretation Act 1924, and prescribing fees payable under this Act in respect of anything to be done, or in respect of any period beginning on or

after the 1st day of April 1977, may be expressed to take effect on the date on which it is made or on any subsequent date.

Compare: 1964 No 132 s 43

Subsection (1)(d) was substituted, as from 1 April 1993, by section 22(1) Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125).

Subsection (1)(d) was repealed, as from 21 October 1999, by section 11 Plumbers, Gasfitters, and Drainlayers Amendment Act 1999 (1999 No 138).

Subsection (1)(fa), (fb), and (fc) were inserted, as from 1 April 1993, by section 22(2) Plumbers, Gasfitters, and Drainlayers Amendment Act 1992 (1992 No 125).

Subsection (1)(i) was repealed, as from 21 October 1999, by section 11 Plumbers, Gasfitters, and Drainlayers Amendment Act 1999 (1999 No 138).

## **67 Transitional**

- (1) Until the Board appoints a Registrar under section 13 of this Act, the person for the time being holding the office of Chief Inspector of Health in the Ministry of Health shall continue to be the Registrar for the purposes of this Act, and every other person employed in the Ministry of Health who, immediately before the commencement of this Act, is performing duties on behalf of the Plumbers and Gasfitters Board under the Plumbers and Gasfitters Registration Act 1964, and any persons from time to time appointed in their place under the State Sector Act 1988, shall continue to perform such duties on behalf of the Plumbers, Gasfitters, and Drainlayers Board.
- (2) Any person referred to in subsection (1) of this section may hold his office under the Board either separately or in conjunction with any other office in the Public Service.
- (3) At the end of any financial year in which the Board has made use of accommodation provided by the Crown, or of the services of persons in the Public Service, the Board shall pay to the Crown such sum in respect of that year as the Minister considers to be reasonable. Any such sum shall be recoverable by the Crown as a debt due by the Board.
- (4) For the purpose of applying the provisions of this Act during the period commencing with the 1st day of April 1977 and ending with the appointment of the first Chairman of the Board under section 7 of this Act, the person for the time being holding the office of Chief Inspector of Health in the Ministry of Health shall be deemed to be the Chairman of the Board.

- (5) All money standing to the credit of the bank account established under section 30 of the Plumbers and Gasfitters Registration Act 1964 immediately before the commencement of this Act shall on the commencement of this Act, without conveyance, transfer, or assignment, vest in the Board.
- (6) All the contracts, debts, and liabilities of the Plumbers and Gasfitters Board existing immediately before the commencement of this Act shall on the commencement of this Act become the contracts, debts, and liabilities of the Board.

**68 Repeals, revocations, and saving**

- (1) The Plumbers and Gasfitters Registration Act 1964 and the Plumbers and Gasfitters Registration Amendment Act 1967 are hereby repealed.
- (2) The Health Act 1956 is hereby consequentially amended by repealing section 120(1)(a).
- (3) The Health (Drainlayers' Registration) Regulations 1948, the Health (Drainlayers' Registration) Regulations 1948, Amendment No 1, and the Health (Drainlayers' Registration) Regulations 1948, Amendment No 3, are hereby revoked.
- (4) Notwithstanding the revocation of the Health (Drainlayers' Registration) Regulations 1948 by subsection (3) of this section,—
  - (a) Regulations 6 to 9 of those regulations shall continue to apply until the 1st day of January 1978 as if this Act had not been enacted:
  - (b) Subject to section 27 of this Act, any person who receives a certificate under the said regulation 9 before that date shall be deemed, for the purposes of section 25 of this Act, to be entitled to be registered as a drainlayer pursuant to paragraph (b) of subsection (1) of that section.
- (5) Every reference in any Act, Order in Council, Proclamation, notice, regulations, rules, agreement, deed, instrument or document whatsoever to the Plumbers and Gasfitters Board shall, unless the context otherwise requires, after the com-



mencement of this Act be read as a reference to the Plumbers, Gasfitters, and Drainlayers Board.

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**Schedule**  
**Provisions applying in respect of**  
**Plumbers, Gasfitters, and Drainlayers**  
**Board**

Section 18A

This Schedule was inserted, as from 21 October 1999, by section 12 Plumbers, Gasfitters, and Drainlayers Amendment Act 1999 (1999 No 138).

**1 Chairman and Deputy Chairman**

- (1) At its first meeting in each year, the Board must elect 1 of its members to be its Chairman, and another to be its Deputy Chairman.
- (2) A member who holds the office of Chairman or Deputy Chairman continues in office until his or her successor is elected, and is eligible for re-election (subject to section 6B ).
- (3) A member who holds the office of Chairman or Deputy Chairman may—
  - (a) At any time be removed from the office of Chairman or Deputy Chairman by the Board; or
  - (b) At any time resign his or her office by giving a notice to that effect to the Registrar.
- (4) If a person who holds the office of Chairman or Deputy Chairman ceases to be a member of the Board, the Board must elect 1 of its members to fill that vacancy in the office of Chairman or Deputy Chairman as soon as reasonably practicable.

Compare: 1995 No 95 Schedule 2 cl 2

**2 Deputy Chairman may act for Chairman**

- (1) The Deputy Chairman of the Board has and may exercise or perform all the functions, duties, and powers of the Chairman if—
  - (a) The Chairman of the Board is at any time incapable of acting as Chairman because of illness, absence, or any other reason; or
  - (b) There is a vacancy in the office of Chairman.

- (2) The Deputy Chairman is, while acting for the Chairman, to be regarded as the Chairman of the Board.
- (3) No act done by the Deputy Chairman while acting for the Chairman and no act done by the Board while the Deputy Chairman is acting for the Chairman, may in any proceedings be questioned on the ground that the occasion entitling the Deputy Chairman to act had not arisen or had ceased.

Compare: 1995 No 95 Schedule 2 cl 2

### 3 Meetings

- (1) Meetings of the Board are held at—
  - (a) Times appointed by the Board; and
  - (b) Subject to clause 8, places appointed by the Board.
- (2) The Registrar must give each member of the Board notice of a meeting of the Board, but the Registrar is not required to give notice to a member who is absent from New Zealand.
- (3) At any meeting of the Board, the quorum necessary for the transaction of business is 5 members.
- (4) For the purposes of determining the quorum, a member who is a representative under clause 4 may be counted only once.
- (5) A meeting of the Board at which the quorum is present is competent to perform or exercise any of the functions, duties, and powers exercisable by the Board.

Compare: 1995 No 95 Schedule 2 cl 8

### 4 Members representing other members

- (1) A member of the Board may be represented by another member of the Board (that other member is in this clause referred to as a **representative**).
- (2) A member may, by written notice to the Registrar or other appropriate officer, appoint a representative to represent the member on the Board, for 1 or more specific meetings that have been called or are proposed to be called, whenever the member is absent or unable to act as a member of the Board.
- (3) The appointment of a representative ceases if—
  - (a) The person who appointed the representative revokes, by written notice, the appointment; or

- (b) The person who appointed the representative ceases to be a member of the Board; or
- (c) The representative ceases to be a member of the Board.
- (4) A notice referred to in subclauses (2) or (3) may be delivered by hand or sent by mail or electronic transmission.
- (5) Subject to subclause (6), a representative may vote on behalf of the member whom he or she represents, and has and may exercise all the powers, rights, privileges, and duties of that member.
- (6) A representative may not, in his or her capacity as representative,—
  - (a) Act as Chairman or Deputy Chairman of the Board; or
  - (b) Vote on any matter arising under Part 4 ; or
  - (c) Witness the affixing of the seal of the Board.
- (7) The voting and other powers that a person has as a representative are in addition to the powers that the person has as a member of the Board.

Compare: 1993 No 95 Schedule 2 cl 5

## **5 Chairman to preside at meetings**

- (1) The Chairman of the Board presides at each meeting of the Board if he or she is present and willing to preside.
- (2) If the Chairman is not present or willing to preside at a meeting of the Board, the Deputy Chairman, if present and willing to preside, presides.
- (3) If neither the Chairman nor the Deputy Chairman is present and willing to preside at a meeting of the Board, the members present must elect a member who is present to preside at that meeting.

Compare: 1995 No 95 cl 9

## **6 Voting at meetings**

- (1) All questions arising at any meeting of the Board are decided by a majority of the votes cast by the members present.
- (2) The person presiding at the meeting has a deliberative vote, and, in the case of an equality of votes, also has a casting vote.
- (3) No member of the Board is entitled to be present or vote or otherwise participate in the capacity of a member of the Board

at any part of a meeting of the Board where any matter relating to the member's registration, suspension, competence, fitness to practise, or discipline under this Act is being considered.

Compare: 1995 No 95 cl 10

## **7 Resolution assented to by members**

- (1) The Chairman of the Board may circulate, by letter or electronic transmission, to each member of the Board a document setting out a draft resolution and requesting each member to assent to the resolution within a specified period of at least 3 clear days.
- (2) If a majority of the members of the Board, by letter or electronic transmission, signs or assents to a resolution circulated under subclause (1), the resolution is as valid and effective as if it had been passed at a meeting of the Board duly called and constituted.
- (3) Any such resolution may consist of several documents that are similar in form, each signed or appearing to have been sent by 1 or more members.
- (4) Every such resolution must be tabled at the next meeting of the Board held after the date on which the resolution takes effect.

Compare: 1995 No 95 Schedule 2 cl 11

## **8 Teleconference meetings**

- (1) The contemporaneous linking together by telephone or videolink or other means of communication of a number of members, being not less than the quorum stated in clause 3(3), whether or not 1 or more of those members are out of New Zealand, is to be taken as constituting a meeting of the Board to which the provisions of this Act apply, if the following conditions are met:
  - (a) Notice must have been given, by letter or telephone or electronic transmission, to every member of the Board entitled to receive notice of a meeting of the Board; and
  - (b) Each member taking part in the meeting must—
    - (i) Be linked by telephone or videolink or other means of communication for the purposes of the meeting; and

- (ii) At the commencement of the meeting acknowledge, to all the other members taking part, the member's presence for the purpose of a meeting of the Board; and
  - (iii) Be able throughout the meeting to hear each of the other members taking part; and
  - (iv) On any vote, individually express his or her vote to the meeting.
- (2) A member may not stop participating in a meeting held under this clause by disconnecting the member's telephone or videolink or other means of communication without the express consent of the person presiding at the meeting.
- (3) A minute of the proceedings at a meeting held under this clause is sufficient evidence of those proceedings, and the observance of all necessary formalities, if certified as a correct minute by the person presiding at the meeting.

Compare: 1995 No 95 Schedule 2 cl 12

## **9 Procedure**

- (1) The Board must observe the rules of natural justice but, subject to that requirement, may receive as evidence any statement, document, information, or matter, whether or not it would be admissible in a court of law.
- (2) Subject to this Act and any regulations made under this Act, the Board may regulate its procedure in such manner as it thinks fit.

Compare: 1995 No 95 Schedule 2 cl 13

## **10 Appointment of committees**

The Board may from time to time appoint 1 or more committees of the Board, and—

- (a) Any such committee may include or consist of persons who are not members of the Board; and
- (b) The Board must regulate the procedure of each such committee in such manner as it thinks fit; and
- (c) The Board may at any time discharge, alter, or reconstitute any such committee

Compare: 1995 No 95 Schedule 2 cl 14

**11 Delegation**

- (1) The Board may from time to time, by written notice, delegate any of its functions, duties, or powers (other than powers of decision concerning discipline under this Act) to any committee appointed under clause 10.
- (2) Unless otherwise provided in the delegation, a delegate may exercise a function, duty, or power of the Board delegated to it under this clause in the same manner and with the same effect as if the delegate were the Board, but may not further delegate the function, duty, or power.
- (3) Any delegation under this clause may be revoked at any time, and the delegation of a function, duty, or power does not prevent the Board from exercising the function, duty, or power itself.
- (4) Every delegate purporting to act under any delegation under this clause is, until the contrary is proved, presumed to be acting in accordance with the terms of the delegation.

Compare: 1995 No 95 Schedule 2 cl 15

**12 Seal**

- (1) The Board must provide for the safe custody of the common seal of the Board, which must be in such form as the Board decides.
- (2) The common seal may be used only by the authority of a resolution of the Board, or of a committee of the Board, and every document to which the seal is affixed must be signed by 2 persons, each of whom is—
  - (a) A member of the Board; or
  - (b) A person authorised to sign that document or documents of that kind.
- (3) The seal of the Board must be judicially noticed in all courts and for all purposes.

Compare: 1995 No 95 Schedule 2 cl 19

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## **Notes**

### **1 *General***

This is an eprint of the Plumbers, Gasfitters, and Drainlayers Act 1976. It incorporates all the amendments to the Act as at 1 April 2010. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

### **2 *About this eprint***

This eprint has not been officialised. For more information about officialisation, please *see* “Making online legislation official” under “Status of legislation on this site” in the About section of this website.

### **3 *List of amendments incorporated in this eprint (most recent first)***

Plumbers, Gasfitters, and Drainlayers Act 2006 (2006 No 74): section 186(1)  
Insolvency Act 2006 (2006 No 55): section 445

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