



## **Amusement Devices Amendment Regulations 2011**

Anand Satyanand, Governor-General

### **Order in Council**

At Wellington this 27th day of June 2011

Present:

His Excellency the Governor-General in Council

Pursuant to section 21A of the Machinery Act 1950, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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**Schedule**  
**New form 2A inserted**

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**Regulations**

- 1 Title**  
These regulations are the Amusement Devices Amendment Regulations 2011.
- 2 Commencement**  
These regulations come into force on the 28th day after the date of their notification in the *Gazette*.
- 3 Principal regulations amended**  
These regulations amend the Amusement Devices Regulations 1978.
- 4 Interpretation**  
Regulation 2 is amended by inserting the following definitions in their appropriate alphabetical order:  
“**competent person**, except in regulation 11(2), means a person with at least 3 years of previous or current membership of a New Zealand model engineering hobby club, and—  
“(a) who—  
    “(i) is not a current member of the club whose model engineering amusement device is being examined; and  
    “(ii) has a recognised engineering qualification at certificate, diploma, or degree level in mechanical, electrical, or automotive engineering; or  
“(b) who, whether or not the person is a current member of the club whose model engineering amusement device is being examined, has a formal endorsement as a safety auditor under a safety auditing system administered by the Model Engineering Association of New Zealand Incorporated or another collective organisation of model engineering hobby clubs in New Zealand

“**competent person’s certificate**, in relation to a model engineering amusement device, means a certificate issued by a competent person that certifies that the device can, subject to conditions and requirements (if any) specified in the certificate, be erected and operated without danger to persons operating or using it or in its vicinity

“**model engineering amusement device** means the following amusement devices operated by a model engineering hobby club:

- “(a) a scale model locomotive that operates on a fixed track and has—
  - “(i) a rail gauge between 62 mm and 185 mm; and
  - “(ii) a maximum speed of 10 to 15 km per hour; or
- “(b) a scale model traction engine that—
  - “(i) does not operate on a fixed track; and
  - “(ii) has a maximum speed of 5 km per hour

“**model engineering hobby club** means a club that—

- “(a) builds and operates model engineering amusement devices primarily for the enjoyment of its members; and
- “(b) is a society incorporated under the Incorporated Societies Act 1908”.

## 5 Applications for registration

Regulation 4 is amended by revoking subclause (4) and substituting the following subclause:

- “(4) An application must be accompanied by a fee of \$30 and,—
  - “(a) in the case of an amusement device that is not a model engineering amusement device, an engineer’s certificate in form 2;
  - “(b) in the case of a model engineering amusement device, either—
    - “(i) an engineer’s certificate in form 2; or
    - “(ii) a competent person’s certificate in form 2A.”

## 6 Engineer’s certificate

- (1) Regulation 5 is amended by omitting the heading and substituting the following heading: “**Amusement device must be examined before certificate issued**”.

- (2) Regulation 5(1) is amended by omitting “No engineer shall issue an engineer’s certificate in respect of any amusement device unless he” and substituting “An engineer must not issue an engineer’s certificate in respect of an amusement device (including a model engineering amusement device) and a competent person must not issue a competent person’s certificate in respect of a model engineering amusement device unless the engineer or competent person (as the case may be)”.
- (3) Regulation 5(3) is amended by inserting “or competent person” after “engineer”.

#### **7 Issue of certificate**

- (1) Regulation 6 is amended by inserting the following subclause after subclause (1):

“(1A) Subject to subclause (3), if, after examining a model engineering amusement device, the competent person is satisfied of the matters specified in regulation 5(1) that apply to it, the competent person may issue a competent person’s certificate in respect of it.”
- (2) Regulation 6 is amended by revoking subclause (3) and substituting the following subclause:

“(3) If, having regard to the nature of the device, the extent of its likely usage, and any other factors the engineer or competent person (as the case may be) considers relevant, the engineer or competent person believes that the device should be examined again within a period of less than 2 years, the engineer or competent person must specify that period in the relevant certificate.”

#### **8 New regulation 7 substituted**

Regulation 7 is revoked and the following regulation substituted:

##### **“7 Certificate may be issued subject to conditions**

If an engineer or competent person is of the opinion that an amusement device cannot be erected and operated without danger to persons operating or using it or in its vicinity unless some condition or requirement is observed, the engineer or competent person must specify that condition or require-

ment in any certificate issued by the engineer or competent person in respect of the device.”

**9 Registration of amusement device**

Regulation 8 is amended by inserting “or competent person’s certificate” after “engineer’s certificate” in each place where it appears.

**10 Inspector may require improvements to be made**

Regulation 16 is amended by inserting “or competent person” after “engineer”.

**11 Schedule 1 amended**

- (1) Paragraph (b) of form 1 of Schedule 1 is amended by omitting “engineer” and substituting “engineer/competent person\*”.
  - (2) Form 1 of Schedule 1 is amended by inserting the following footnote after paragraph (c):  
\*Select one.
  - (3) Schedule 1 is amended by inserting the form 2A set out in the Schedule of these regulations after form 2.
  - (4) Form 3 of Schedule 1 is amended by inserting “or competent person” after “engineer”.
  - (5) Paragraph (b) of form 6 of Schedule 1 is amended by omitting “engineer” and substituting “engineer/competent person\*”.
  - (6) Form 6 of Schedule 1 is amended by inserting the following footnote after paragraph (b):  
\*Select one.
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**Schedule**

r 11(3)

**New form 2A inserted**

Form 2A

r 4(4)(b)

Certificate of examination of model engineering  
amusement device

I, [*name*], competent person (as defined in regulation 2(1) of the Amusement Devices Regulations 1978) (the **regulations**), certify that—

- (a) I have examined the model engineering amusement device described below in accordance with regulation 5(1) of the regulations; and
- (b) I am satisfied—
  - (i) that the device meets the definition of a model engineering amusement device specified in regulation 2(1) of the regulations; and
  - (ii) of the matters specified in regulation 5(1) of the regulations that apply to the device; and
  - (iii) that the device can, subject to the conditions and requirements specified below (if any), be erected and operated without danger to persons operating or using it or in its vicinity.

Date:

Signature:

Address:

**Description of device**

[*Describe the device.*]

**Conditions and requirements**

[*State the conditions and requirements that apply to the device (if any).*]

- 1 Maximum safe operating speed:
- 2 Maximum safe operating load:

Rebecca Kitteridge,  
Clerk of the Executive Council.

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### Explanatory note

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

These regulations, which come into force on the 28th day after the date of their notification in the *Gazette*, amend the Amusement Devices Regulations 1978 to provide that a competent person may issue a certificate of examination in respect of a model engineering amusement device, which certifies that the device may be operated without danger to persons operating or using it or in its vicinity. The competent person's certificate applies only to model engineering amusement devices and is an alternative to the present requirement, which requires a certificate of examination for an amusement device to be issued by a chartered professional engineer (which continues to apply in the case of all other kinds of amusement devices).

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Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 30 June 2011.

These regulations are administered by the Department of Labour.

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