



ANALYSIS

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1966, No. 100

An Act to amend the Boilers, Lifts, and Cranes Act 1950
[20 October 1966]

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 Boilers, Lifts, and Cranes Amendment Act 1966, and shall be read together with and deemed part of the Boilers, Lifts, and Cranes Act 1950 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the first day of December, nineteen hundred and sixty-six.

2. Interpretation—(1) Subsection (1) of section 2 of the principal Act is hereby amended by repealing the definition of the term “crane”, and substituting the following definition:

“‘Crane’ means any appliance equipped with mechanical means of raising and lowering a load by ropes or chains and for transporting the load while suspended; and includes all chains, ropes, swivels,

or other tackle, down to and including the hook, used in the operation of a crane; but does not include—

“(a) A hoist block running on a fixed rail or wire:

“(b) A stacker or conveyor whereby a load is moved by means of a belt or platform:

“(c) An earth or mineral moving or excavating appliance not fitted with a grab:”.

(2) Subsection (1) of section 2 of the principal Act is hereby further amended by repealing the definition of the term “hoist”.

(3) Subsection (1) of section 2 of the principal Act is hereby further amended by omitting from the definition of the term “machinery” the word “hoist”.

(4) Subsection (1) of section 30 of the principal Act is hereby amended by omitting the words “crane or hoist”, and substituting the words “or crane”.

3. Application of principal Act—(1) Section 4 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) The Governor-General may from time to time by Order in Council exempt any boilers or machinery from any provision of this Act referred to in the Order in Council.”

(2) Subsection (2) of section 4 of the principal Act is hereby amended by inserting, after the words “subsection one”, the words “or subsection (1A)”.

4. Certificates of inspection—(1) The principal Act is hereby amended by repealing section 10, and substituting the following section:

“10. (1) Except as otherwise provided by or under this Act, no boiler or machinery to which this Act applies shall be operated or used unless the owner has in his possession a current certificate of inspection in respect of the boiler or machinery.

“(2) Every owner who works or uses any such boiler or machinery in respect of which a certificate has not been issued, or for which a certificate is not in force, commits an offence against this Act.

“(3) The Minister may from time to time, on the recommendation of the Chief Surveyor, by notice in the *Gazette*, exempt from the provisions of this section any boilers or machinery or any class of boilers or machinery

if he is satisfied that compliance with those provisions is unnecessary in the circumstances of the case or that the boilers or machinery, by reason of their construction, size, or use, do not constitute a hazard.

“(4) Any notice under subsection (3) of this section may from time to time in like manner be amended or revoked and may apply generally to any particular class of boilers or machinery irrespective of the purpose for which they are used, or to boilers or machinery only while used exclusively for any specified purpose or purposes.”

(2) Any exemption given by the Minister under section 10 of the principal Act and in force immediately before the commencement of this Act shall continue in force in all respects as if given under section 10 of the principal Act as substituted by this section.

5. Determination of boiler horsepower—Section 17 of the principal Act is hereby amended by adding, as subsection (2), the following subsection:

“(2) The Chief Surveyor may from time to time prescribe standards relating to the determination of the horsepower of boilers and, for the purposes of this Act, the horsepower of boilers shall be calculated in accordance with any standards prescribed as aforesaid.”

6. Periodical inspection of machinery—(1) Subsection (1) of section 19 of the principal Act is hereby amended by repealing the second proviso thereto.

(2) Section 19 of the principal Act is hereby further amended by inserting, after subsection (3), the following subsections:

“(3A) The Minister may from time to time exempt from the periodical inspection required by this section any boilers or machinery for the time being exempted from the provisions of section 10 of this Act under subsection (3) of that section.

“(3B) Any exemption under subsection (3A) of this section may from time to time in like manner be amended or revoked.”

7. Owner of boiler to keep boiler in safe condition—The principal Act is hereby further amended by inserting, after section 23, the following section:

“23A. The owner of any boiler shall maintain the boiler in good and safe condition during all times when the boiler is in use and, if a certificate under section 10 of this Act is issued, during the currency of the certificate.”

8. Obligations of owners in respect of lifts and cranes—(1) Section 28 of the principal Act is hereby amended by repealing subsection (3), and substituting the following subsection:

“(3) The owner of a lift shall keep the lift and all of its safety devices in good and safe condition during all times when the lift is in use and, if a certificate under section 10 of this Act is issued in respect of the lift, during the currency of the certificate.”

(2) Section 29 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) The owner of a crane shall keep the crane and all tackle used in connection with the working of the crane in good and safe condition during all periods when the crane is in use and, if a certificate under section 10 of this Act is issued in respect of the crane, during the currency of the certificate.”

9. Boilers to be supervised—The principal Act is hereby further amended by inserting, after section 30, the following section:

“30A. The owner of any boiler shall appoint a person to exercise general supervision of the safe operation of the boiler:

“Provided that nothing in this section shall affect any provision of this Act requiring a certificated engine driver to be in charge of any boiler nor relieve the owner of any responsibility in respect of the boiler.”

This Act is administered in the Marine Department.
