



ANALYSIS

Title
1. Short Title

2. Delegation of powers by Chief
Safety Engineer
3. Regulations

1973, No. 53

An Act to amend the Construction Act 1959

[21 November 1973]

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—This Act may be cited as the Construction Amendment Act 1973, and shall be read together with and deemed part of the Construction Act 1959 (hereinafter referred to as the principal Act).

2. Delegation of powers by Chief Safety Engineer—The principal Act is hereby amended by inserting, after section 4, the following section:

“4A. (1) The Chief Safety Engineer may from time to time, by writing under his hand, either generally or particularly, delegate to such officer or officers of the Department (possessing suitable engineering experience and qualifications comparable with the standard required for registration under the Engineers Registration Act 1924) as he thinks fit all or any of the powers and functions conferred on him by this Act or by any regulations for the time being in force under this Act, other than the power to delegate under this section.

“(2) Subject to any general or special directions given or attached by the Chief Safety Engineer, any officer to whom any powers are delegated under this section may exercise them in the same manner and with the same effect as if they had been conferred on him directly by this section and not by delegation.

“(3) Every person purporting to act pursuant to any delegation under this section shall be presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary.

“(4) Any delegation under this section may be made to a specified officer or to officers of a specified class, or may be made to the holder or holders for the time being of a specified office or class of office.

“(5) Every delegation under this section shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Chief Safety Engineer.

“(6) Every such delegation shall, until it is revoked, continue in force according to its tenor, notwithstanding the fact that the Chief Safety Engineer by whom it was made may have ceased to hold office, and shall continue to have effect as if made by the successor in office of that Chief Safety Engineer.

“(7) Notwithstanding anything in section 5 of this Act but subject to subsection (4) of that section, every person to whom such powers and functions have been so delegated shall, while the delegation continues in force, have all the powers and functions of a Safety Inspector.”

3. Regulations—Section 30 of the principal Act is hereby amended by adding to subsection (2) (as amended by section 4 of the Construction Amendment Act 1970) the following paragraph:

“(e) Prescribing fire-protection precautions to be taken in respect of construction work, requiring compliance with such precautions, and requiring the provision of fire-fighting equipment and materials.”

This Act is administered in the Department of Labour.
