

New Zealand.



ANALYSIS.

- | | |
|--|---|
| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Interpretation. 3. Railway Commissioners deemed employer. 4. Compensation for injuries, how paid by Railway Commissioners. | <ol style="list-style-type: none"> 5. Liability of employer for injuries in respect of men working for contractors and sub-contractors. 6. Defence of common employment. 7. Amount of compensation. 8. Act to be part of Employers' Liability Acts. |
|--|---|

1892, No. 21.

AN ACT further to amend "The Employers' Liability Act, 1882." Title.
[24th September, 1892.]

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

1. The Short Title of this Act is "The Employers' Liability Acts Amendment Act, 1892." Short Title.

2. In this Act, unless inconsistent with the context,— Interpretation.
 "The principal Act" means "The Employers' Liability Act, 1882:"
 "The Amendment Act" means "The Employers' Liability Act Amendment Act, 1891:"
 "The Employers' Liability Acts" means the principal Act together with the Amendment Act and this Act.

3. For the purposes of the Employers' Liability Acts, the expression "employer," in addition to the definition thereof contained in the principal Act, shall include the New Zealand Railway Commissioners constituted under "The Government Railways Act, 1887;" and "workman" shall include any railway servant in the employ of the aforesaid Commissioners. Railway Commissioners deemed employer.

4. The said Commissioners, in case of having to pay compensation to any workman or workmen in their employ under the Employers' Liability Acts, may under the authority of this Act pay any amount, not exceeding five hundred pounds, in respect of each claim or judgment against them, out of any moneys in their hands applicable for contingent expenses of the railways under their control, but no larger amount shall be paid by them for such compensation except out of moneys to be appropriated by Parliament for the purpose. Compensation for injuries, how paid by Railway Commissioners.

5. Whenever an employer enters into a contract, either written or verbal, with an independent contractor to do part of such employer's work, or whenever such contractor enters into a contract with a sub-contractor to do all or any part of the work comprised in such con- Liability of employer for injuries in respect of men working for contractors and sub-contractors.

tractor's contract with the employer, such contract or sub-contract shall not bar the liability of the employer for injuries to the workmen of such contractor or sub-contractor resulting from any defect in the condition of the ways, works, machinery, or plant, if they are the property of the employer, or furnished by him, and if such defect arose, or had not been discovered or remedied, through the negligence of the employer or of some person intrusted by him with the duty of seeing that such condition is proper. Nothing in this section contained shall take away any right of action which the principal employer may have against his contractor or sub-contractor, or any right of action which any workman may have against his immediate employer, but the workman shall not be entitled to recover compensation more than once in respect of the same injury.

Defence of common employment.

6. Where a workman in the course of his employment is injured through a negligent act of another workman in the course of his employment, employed in or about the same work, the injured workman shall have his remedy against the employer of the workman whose negligence caused the injury, and the defence of common employment shall not avail in any such action unless the workman injured and the workman whose negligence caused the injury were not only engaged in a common employment but were in the employ of a common employer: Provided that the injured workman shall not be entitled to recover if he shall have been guilty of contributory negligence.

Nothing in this section contained shall be construed to take away or to limit any other defence which the employer, against whom such action is brought, might otherwise have to such action.

The employer shall be entitled to be indemnified by the workman whose negligence shall have caused the injury to the extent of any damages and costs which such employer may have paid.

Amount of compensation.

7. The amount of compensation recoverable under this Act shall not exceed five hundred pounds in respect of any one cause of action.

Act to be part of Employers' Liability Acts.

8. This Act shall be read along with, and form part of, the Employers' Liability Acts.