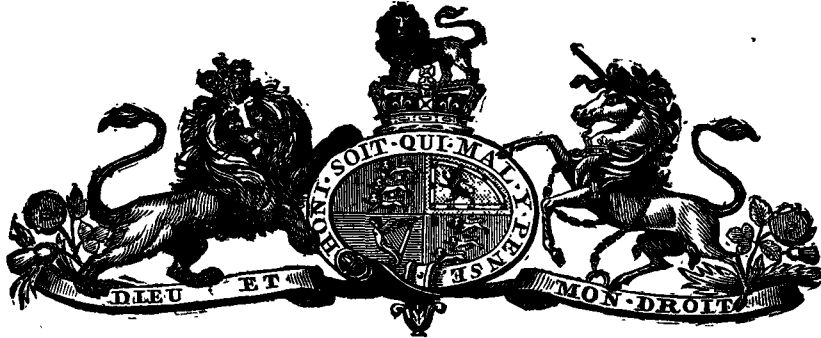


## NEW ZEALAND.



TRICESIMO NONO /

## VICTORIÆ REGINÆ.

No. XIV.

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## ANALYSIS.

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| <p>Title.<br/>Preamble.</p> <ol style="list-style-type: none"> <li>1. Short Title.</li> <li>2. Construction.</li> <li>3. Interpretation of the term "boiler."</li> <li>4. Ninth section of "The Inspection of Machinery Act, 1874," repealed.</li> <li>5. Governor may withdraw machinery from operation of Acts.</li> </ol> | <ol style="list-style-type: none"> <li>6. Twenty-eighth section repealed. Schedule.</li> <li>7. Fees for inspection. Schedule.</li> <li>8. Duration of certificates of boilers and machinery.</li> <li>9. Penalty for working without a certificate.</li> <li>10. Certificate to be exhibited.</li> <li>11. Power to hold inquiry into cause of accidents.</li> <li>12. Penalty on increasing pressure in boiler.</li> <li>13. Responsibility of owners &amp;c. maintained. Schedules.</li> </ol> |
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AN ACT to amend "The Inspection of Machinery Act, 1874." Title.  
[21st. September, 1875.]

**W**HEREAS it is expedient to amend "The Inspection of Machinery Act, 1874:" Preamble.

BE IT THEREFORE 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 shall be "The Inspection of Machinery Act Amendment Act, 1875." Short Title.

2. This Act shall be read and construed with and as part of "The Inspection of Machinery Act, 1874," which last-mentioned Act is hereinafter referred to as "the said Act." Construction.

3. Notwithstanding anything contained in the said Act from and after the passing of this Act the terms "boiler" "steam boiler" wherever used in the said Act shall mean and include any boiler or vessel in which or by means of which steam is used or applied to any manufacturing or other process, or in which or by means of which steam is generated, for working any kind of machinery. Interpretation of the term "boiler."

4. The ninth section of the said Act is hereby repealed, and the following provision is made in lieu thereof: The Chief Inspector shall, in every district proclaimed under the said Act, have within such district all the powers of an Inspector in such district, and he shall Ninth section of "The Inspection of Machinery Act, 1874," repealed.

*Inspection of Machinery Act Amendment.*

only exercise such powers during the illness absence or other incapacity to act of any such Inspector.

Every Inspector shall keep full minutes of all his visits, and shall at least twice in every year, or oftener if so required, report the same to the Chief Inspector, and in such report shall be contained such particulars and information as the Chief Inspector may from time to time require such Inspector to furnish.

Governor may withdraw machinery from operation of Acts.

5. In addition to the powers conferred on the Governor by section ten of the said Act, it is hereby enacted that he may from time to time by Order in Council declare that any kinds of machinery shall cease to be machinery subject to the provisions of the said Act as amended by this Act.

Twenty-eighth section repealed.

6. The twenty-eighth section of the said Act is hereby repealed, and in lieu thereof it is enacted that if upon any inspection it shall appear to the Inspector that any boiler is unsafe, or that it would be dangerous to life or property if such boiler were to continue to be used in its then state, it shall be lawful for such Inspector to give to the owner of such boiler a notice in writing, or partly in writing and partly in print, in the form or to the effect set forth in the First Schedule hereto, and such notice may either require such owner

Schedule.

To wholly desist from working or using the boiler, from a period to be fixed in such notice, until certain repairs or alterations to be stated in the notice shall have been effected; or

To partially desist from working or using such boiler, from such a period as aforesaid, except at a minimum pressure, to be stated in such notice, until any repairs or alterations to be mentioned in such notice shall have been effected.

And if any person to or upon whom such notice shall have been delivered or served as hereinbefore required shall, for a period exceeding that which shall be set forth by the Inspector in such notice, fail either wholly or partially to desist from working such boiler according to the exigency of such notice, such person shall be liable to a penalty of not less than twenty pounds nor more than one hundred pounds.

Fees for inspection.

7. The thirty-first section of the said Act is hereby repealed, and in lieu thereof it is enacted that there shall be paid to each Inspector on making any inspection of machinery or of any boiler, and before grant of any certificate as hereinafter provided, the fees prescribed in the Second Schedule hereto: Provided always that the Governor shall have power from time to time to diminish the amount of such fees as he shall think fit, by warrant published in the *New Zealand Gazette*.

Schedule.

All boilers shall be inspected at least once in every year or oftener, as occasion shall require.

Duration of certificates of boilers and machinery.

8. The certificate to be granted to the owner of any boiler under the thirty-fourth section of the said Act shall remain in force for any period the Inspector shall think fit not exceeding one year, which period shall be stated on the certificate: Provided always that any certificate granted before the passing of this Act shall remain in force for one year after the date of issue of the same, and the certificate to be granted to the owner of any machinery shall remain in force so long as no material alteration or addition is made in or to such machinery, and the same continues to be kept securely fenced and guarded: Provided always that the Inspector shall have power to cancel or suspend any certificate granted to the owner of any boiler or machinery.

Penalty for working without a certificate.

9. Any owner working or using any boiler or machinery in respect of which a certificate shall not have been granted, or for which a certificate shall not be in force under the said Act or this Act, shall be liable to a penalty not exceeding one hundred pounds. No proceeding shall be commenced or prosecuted for a breach of this section

*Inspection of Machinery Act Amendment.*

except by an Inspector or a person holding the written consent of such Inspector first obtained.

10. The certificate granted to the owner of any machinery or boiler shall be exhibited in some conspicuous place to be determined by the Inspector, where it can be seen by all persons working at or with any such machinery or boiler, and any person neglecting so to exhibit such certificate shall be liable to a penalty not exceeding twenty pounds.

Certificate to be exhibited.

11. In the event of any accident happening to any machinery or boiler, whether such machinery or boiler comes under the provisions of the said Act or not, or where, by reason of any such accident, any loss of life shall have happened or serious bodily injury shall have occurred to any person, it shall be lawful for the Colonial Secretary to direct an inquiry to be held before any Resident Magistrate, together with a person skilled in the use and construction of such machinery or boiler to be appointed by the Colonial Secretary; and such Resident Magistrate, together with such person as aforesaid, shall have power to hold such inquiry at such times and places as the Colonial Secretary may appoint, and shall report on the cause of such accident to the Colonial Secretary. Such Resident Magistrate shall with respect to the summoning and attendance of witnesses at or upon any such inquiry, and the examination of such witnesses upon oath or as may be otherwise allowed by law, have all the powers which he would have or might exercise in any case within the ordinary jurisdiction of such Magistrate under "The Justices of the Peace Act, 1866," and any Act amending the same.

Power to hold inquiry into cause of accidents.

12. Any person who by any means whatsoever knowingly or wilfully does anything to increase or that tends to increase the pressure in any boiler beyond that stated on the Inspector's certificate, and any person who aids or abets or assists in aiding or abetting in increasing the pressure as aforesaid, or procures the pressure as aforesaid to be increased, shall be guilty of a misdemeanour.

Penalty on increasing pressure in boiler.

13. Nothing in the said Act, or in any certificate granted under the provisions of the said Act or this Act, shall be deemed to relieve any owner of the machinery or boiler from liability to any action or suit or from liability to any civil or criminal proceeding whatsoever, but all rights of parties and all liabilities of owners of boilers or machinery, or of any other person or persons in respect thereof, shall remain unaffected by the provisions of the said Act or this Act.

Responsibility of owners &c. maintained.

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SCHEDULES.

Schedules.

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FIRST SCHEDULE.

To [*Name of owner*] of

I HEREBY give you notice that I have this day inspected a boiler attached to [*Here describe boiler*], and that the same appears to me to be dangerous, and to require repairs [*or is in such a dangerous state that it is unsafe to life and property to use the same*]. You are therefore hereby required to cause repairs to be effected in such boiler in the following particulars [*Here specify repairs to be effected*]. And you are hereby further, within [*Here state period fixed*] from the time this notice is served on you, and until such repairs shall be effected, to wholly desist from using or suffering the said boiler to be used [*Or if it is to be partially used, state particulars fully*].

Dated this                      day of                      18 .

A.B.,  
Inspector of Machinery for the                      District.

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*Inspection of Machinery Act Amendment.*


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## SECOND SCHEDULE.

## FEES ON INSPECTION OF BOILERS.

For every boiler working up to 5-horse power	...	...	...	£1	0	0
For every boiler working over 5-horse power and up to 10-horse power	...	...	...	2	0	0
For every boiler working over 10-horse power	...	...	...	3	0	0
Provided that when more than one boiler is attached to any machinery the maximum fee to be charged is not to exceed	...	...	...	5	0	0

## FEES ON INSPECTION OF MACHINERY NOT HAVING BOILERS CONNECTED THEREWITH.

For every inspection and grant of certificate in respect of any machinery	...	...	...	1	0	0
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WELLINGTON, NEW ZEALAND:

Printed under the authority of the New Zealand Government, by GEORGE DIDSBURY, Government Printer.