



## ANALYSIS

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 1963, No. 14

**An Act to amend the Machinery Act 1950**

[2 October 1963]

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 Machinery Amendment Act 1963, and shall be read together with and deemed part of the Machinery Act 1950 (hereinafter referred to as the principal Act).

**2. Provisions may be modified**—The principal Act is hereby amended by inserting, after section 17A (as inserted by section 2 of the Machinery Amendment Act 1961), the following section:

“17B. The Governor-General may from time to time, by Order in Council, make regulations modifying in respect of any specified class or description of machinery any of the provisions of section 15, section 16, or section 17 of this Act to such extent and subject to such conditions as may be prescribed in the regulations if compliance with any such provisions would render the use of the machinery or any part thereof impossible or impracticable and the machinery may be safely used if the provisions, as modified, are complied with.”

**3. Penalties for offences—**(1) Section 18 of the principal Act (as substituted by section 3 of the Machinery Amendment Act 1961) is hereby amended by inserting, after the words “against this Act”, the words “, and shall be liable on summary conviction to a fine not exceeding twenty-five pounds”.

(2) Section 29 of the principal Act is hereby amended by omitting the words “twenty-five pounds”, and substituting the words “one hundred pounds”.

**4. Regulation of amusement devices—**(1) The principal Act is hereby amended by inserting, after section 21, the following section:

“21A. (1) In this section—

“‘Amusement device’ means an appliance to which the motion of a prime mover is transmitted and which is used, or designed or intended to be used, for the amusement, recreation, or entertainment of persons being carried, raised, lowered, or moved by the appliance or any part thereof while it is in motion; and includes the prime mover, transmission machinery, supporting structure, and any equipment used or intended to be used in connection therewith:

“‘Local authority’ means a Borough Council, a County Council, or a Town Council.

“(2) Every person commits an offence against this Act who erects for the purposes of operation or operates any amusement device unless—

“(a) It is registered under this section and a certificate of registration in respect of the device is for the time being in force; and

“(b) A permit has been issued by the appropriate local authority for the erection and operation of the device and the permit is for the time being in force; and

“(c) The owner has obtained from an insurer carrying on business in New Zealand a contract of insurance or indemnity in respect of his liability which may arise from any death or personal injury resulting from the erection, use, operation, partial failure, or collapse of the amusement device and the contract is for the time being in force.

“(3) Application for registration of an amusement device shall be made in the prescribed form to the Inspector by or on behalf of the owner of the amusement device and shall

be accompanied by documentary evidence that the device can be erected and operated without danger to persons operating or using the device or in the vicinity thereof.

“(4) The Inspector, if he is of opinion that the application is in order, shall issue a certificate of registration in the prescribed form.

“(5) Every registration certificate shall remain in force for a period of two years from the date of its issue and may from time to time be renewed for a further period of two years.

“(6) Before commencing to operate an amusement device the owner shall obtain from the local authority having jurisdiction in the locality where the device is to be operated a permit in the prescribed form.

“(7) On application in that behalf by or on behalf of the owner of the amusement device, accompanied by such evidence as may be prescribed, including evidence,—

“(a) That a certificate of registration under this section is in force in respect of the device; and

“(b) That, having regard to the situation in which the device is erected, the device can be operated without danger to persons operating or using the device or in the vicinity thereof; and

“(c) That the provisions of paragraph (c) of subsection (2) of this section have been complied with—  
the local authority shall issue a permit in the prescribed form.

“(8) A permit under this section shall continue in force for such period as may be specified therein.

“(9) Any certificate of registration or permit under this section may be cancelled by the issuing authority if—

“(a) The owner is convicted of an offence against this section; or

“(b) The amusement device can no longer, in the opinion of the issuing authority, be operated safely.

“(10) Where an amusement device is materially altered or is repaired after suffering damage necessitating repair by welding or by the replacement of a load bearing part other than a bolt, the owner shall notify the Inspector, who may require the owner, before operating the device, to produce evidence that the device can be safely operated.

“(11) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

“(a) Prescribing fees payable in respect of the issue or renewal of registration certificates or the issue of permits:

- “(b) Prescribing the form and nature of evidence required to accompany applications for certificates of registration and permits under this section:
- “(c) Prescribing conditions to which certificates of registration and permits under this section shall be subject:
- “(d) Prescribing the powers of local authorities with respect to the inspection of amusement devices:
- “(e) Prescribing the duties, in respect of amusement devices, of promoters or other authorities having control of premises used for the operation of amusement devices:
- “(f) Providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this section.”

(2) This section shall come into force on a date to be fixed by the Governor-General by Order in Council being not earlier than the date on which regulations made under subsection (11) of section 21A (as inserted by this section) come into force.

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This Act is administered in the Department of Labour.

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