



ANALYSIS

Title		2. Metric amendment
1. Short Title		3. Safety of tractors

1976, No. 37

An Act to amend the Machinery Act 1950

[1 November 1976]

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 1976, and shall be read together with and deemed part of the Machinery Act 1950 (hereinafter referred to as the principal Act).

2. Metric amendment—Section 3 (3) of the principal Act is hereby amended by omitting the expression “6 horsepower”, and substituting the expression “4.5 kW”.

3. Safety of tractors—(1) Section 21B (1) of the principal Act (as inserted by section 2 (1) of the Machinery Amendment Act 1965) is hereby amended by inserting, after the definition of “Agricultural operations”, the following definition:

“‘Approved safety frame’ means a safety frame in respect of which a certificate of approval has been issued pursuant to subsection (4) of this section:”.

(2) The said section 21B (1) is hereby further amended by inserting, after the definition of “Approved testing institution”, the following definition:

“‘Exempt operations’ means—

“(i) Operations other than agricultural operations; and

“(ii) Operations connected with any orchard, hop garden, raspberry garden, boysenberry garden, or glasshouse; and

“(iii) Operations in any vineyard carried out beneath vines supported overhead; and

“(iv) Such operations as the Minister may, by notice in the *Gazette*, declare to be not practicable for a tractor fitted with an approved safety frame.”

(3) The said section 21B (1) is hereby further amended by adding to the definition of “sell” (as inserted by section 2 (1) of the Machinery Amendment Act 1968) the words “and ‘purchase’ and ‘purchaser’ have corresponding meanings”.

(4) The said section 21B is hereby further amended by repealing subsections (6A), (6B), and (6C) (as inserted by section 2 (2) of the Machinery Amendment Act 1968), and substituting the following subsections:

“(6A) Subsection (6B) of this section shall apply to all wheeled tractors weighing more than 762 kg and less than 4 tonnes and to any other class or classes of tractor to which the Minister by notice in the *Gazette* declares the said subsection to apply.

“(6B) Every person commits an offence against this Act who—

“(a) On or after the 1st day of September 1978 uses, or causes or permits to be used, for operations other than exempt operations, a tractor owned by him and purchased new, whether by him or any other person, on or after the 1st day of June 1967, that is not fitted with an approved safety frame:

“Provided that it shall be a defence to a charge brought under this paragraph in respect of a tractor purchased new before the 1st day of September 1970 that no approved safety frame could reasonably be obtained for or fitted to a tractor of that tractor’s make and model; or

“(b) Uses, or causes or permits to be used, for operations other than exempt operations, a tractor owned by him and not fitted with an approved safety frame from which he has previously removed or caused or permitted to be removed an approved safety frame; or

“(c) Uses, for operations other than exempt operations, a tractor not fitted with an approved safety frame from which he knows a safety frame has been removed:

“Provided that it shall be a defence to a charge brought under this paragraph that the safety frame alleged to have been removed was not an approved safety frame; or

“(d) Sells, or causes or procures to be sold, to a purchaser who has not provided him with a written certificate that the purchaser intends to use it solely for exempt operations, a new tractor not fitted with an approved safety frame; or

“(e) Sells, or causes or procures to be sold, to a purchaser who has not provided him with a written certificate that the purchaser intends to use it solely for exempt operations, a tractor not fitted with an approved safety frame that when acquired by him was fitted with an approved safety frame; or

“(f) Being the intending purchaser of a tractor, provides the vendor thereof with a certificate that is false as to his intended use of the tractor.”

(5) Section 2 (2) of the Machinery Amendment Act 1968 is hereby consequentially repealed.

This Act is administered in the Department of Labour.
