

New Zealand.



ANALYSIS.

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1895, No. 21.

Title.

AN ACT for repealing "The Servants' Registry Offices Act, 1892,"
and for making other Provisions in Lieu thereof.
[20th September, 1895.]

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

Short Title.

1. The Short Title of this Act is "The Servants' Registry Offices Act, 1895."

Interpretation.

2. In this Act, if not inconsistent with the context,—

"District" means a district as constituted for the time being under "The Factories Act, 1894":

"Inspector" means an Inspector of Factories for a district as herein defined:

"Magistrate" means a Stipendiary Magistrate appointed under "The Magistrates' Courts Act, 1893":

"Servant" means any person engaged or seeking engagement for hire in any manual capacity, whether domestic, agricultural, pastoral, mechanical, or otherwise howsoever:

"Servants' registry office" or "registry office," or "office," means any house or office at which is carried on the business of procuring servants for employers or employment for servants, but does not include any association or institution not carried on for the profit thereof.

3. It shall not be lawful for any person in any district directly or indirectly to keep or conduct a registry office, or to in any way hold himself out to be a keeper or conductor thereof, or to charge or recover fees for or in connection with the hiring of servants, unless he is the holder of a license in the Form C in the Schedule hereto.

Every person keeping a registry office to be licensed.

4. The Inspector shall issue such license to any person who—

Application for license.

(1.) Makes written application therefor in the Form A in the Schedule hereto; and

(2.) Forwards with such application a license-fee of ten shillings, and a certificate of character signed by a Magistrate in the Form B in the Schedule hereto.

Fee.

(3.) Before a person shall apply to a Magistrate for such a certificate, such person shall give at least three days' written notice to the Inspector stating the date and place when and where such applicant intends to apply for such certificate, and the Inspector shall be entitled to be heard and bring evidence in opposition to the granting of such certificate.

5. Such license, unless sooner cancelled, shall continue in force in the district for which it was issued, but not elsewhere, for one year, but may be renewed from year to year on payment of an annual fee of five shillings.

Duration of license.

6. The Inspector shall keep a register of all license-holders in his district, and of all indorsements and cancellations of licenses.

Inspector to keep register.

7. A copy of any entry in such register purporting to be signed by the Inspector shall be *prima facie* evidence of the truth of the matters stated in such copy.

Evidence of entry in register.

8. Every license-holder shall keep the following records of his business:—

Books and records to be kept by license-holder.

(1.) A book containing the names of every person who pays or is charged a fee for or in connection with the hiring of servants, together with the date and the amount of the fee.

(2.) A book in the form D in the Schedule hereto, and containing the particulars therein specified.

(3.) The originals of all letters received, for a period of one year from receipt thereof, by the license-holder relating to the hiring of servants.

9. Such books and records shall be accurately kept from day to day, and shall at all reasonable times be open to inspection by the Inspector.

To be open to inspection.

10. Any employer or servant may at all reasonable times inspect and take copies of any entry relating to himself in such books.

Copies of entries may be taken.

11. Every license-holder shall at all times keep posted up in some conspicuous place in or on his office, so as to be easily read by the public, the words "Licensed Registry-Office Keeper."

Name to be posted up.

12. It shall not be lawful for a license-holder to transfer his license to any person, or to directly or indirectly permit any person to carry on business under colour of such license.

License not transferable.

13. It shall not be lawful for any person not being a license-holder to directly or indirectly hold himself out to be a license-holder, or to keep or conduct a registry office, or to receive or charge any fee for or in connection with the hiring of servants.

Unlicensed person not to keep registry office.

Governor may prescribe scale of fees.

14. The Governor, by Order in Council gazetted, may from time to time prescribe a scale of fees chargeable by and payable to license-holders in respect of the hiring of servants.

License-holder to post list of fees in his office.

15. Every license-holder shall at all times keep posted up in some conspicuous place in his office, so as to be easily read by all persons, a printed copy of the scale of fees for the time being in force under this Act.

Fees allowed to be received.

16. It shall not be lawful for any license-holder to directly or indirectly demand or receive from any person, for or in respect of the hiring of any servant, any greater or other fees than those specified in such scale, and any sum so in any way received by any license-holder in breach of this section may be recovered back, with full costs of suit, by the person who paid it.

No license-holder shall, directly or indirectly, take or accept of any goods or chattels in payment or as security for the payment of such fees, nor shall any license-holder receive or accept any reward or other consideration in addition to the said fees.

License-holder may not have interest in lodging-house.

17. (1.) It shall not be lawful for any license-holder to directly or indirectly keep servants as lodgers, or have any share or interest in the keeping of a lodging-house for servants.

Interest defined.

(2.) For the purposes of this section a license-holder shall be deemed to have such interest as aforesaid if any lodger or lodging-house is kept by any member of the license-holder's household.

Illegal contracts or agreements.

18. Every contract or agreement made between any license-holder and any other person relating to the keeping of servants as lodgers, or of a lodging-house for such purpose, shall be illegal and void for all purposes.

Penalty for breach of Act.

19. If any person, being a license-holder, fails or neglects to comply with any of the provisions of this Act, or, being a license-holder or not, commits a breach of any of the provisions of this Act, he is liable to a penalty not exceeding five pounds.

Onus on accused to prove he is licensed.

20. In all proceedings under section thirteen the onus shall be on the accused to prove, by the production of his license, that he is a license-holder.

Accused to produce his license.

21. In all proceedings under this Act against a license-holder he shall produce to the Court his license.

Conviction to be indorsed on license.

22. Every conviction against a license-holder shall be indorsed on his license by the convicting Magistrate or Justices, and, upon a third indorsement within three years from the first indorsement within such period being made, the license shall be deemed *ipso facto* cancelled, and the Clerk of the Court shall deliver it up to the Inspector.

Suspension from holding license.

23. No person whose license has been cancelled shall be entitled to hold a license in any district until the expiration of one year from the date of such cancellation.

Recovery of license-holder's fees.

24. No license-holder shall be entitled to maintain an action for the recovery of fees unless at the trial he produces his license.

If license lost, duplicate may be issued.

25. On satisfactory proof of the loss or destruction of a license, and on the payment of a fee of one shilling, the Inspector may, at the request of the licensee, issue a duplicate (bearing all indorsements), and such duplicate shall avail for all purposes as if it were the original.

26. (1.) "The Servants' Registry Offices Act, 1892," is hereby Repeal. repealed.

(2.) Every person duly licensed under that Act shall be deemed Saving. to be duly licensed under this Act, and shall be subject to the provisions hereof accordingly.

(3.) Every license granted under that Act shall be deemed to be granted under this Act, and shall be subject to the provisions hereof accordingly.

(4.) Every such license, unless sooner cancelled, shall continue in force for twelve months after the passing of this Act.

(5.) Every local authority which has kept a register of the names and residences of the keepers of registry offices under that Act shall, at the request of the Inspector, deliver such register up to him and he shall keep the same as portion of his register under this Act.

27. All fees and penalties received and recovered for an offence under this Act shall be paid into the Public Account and form part of the Consolidated Fund. Fees, &c., to be paid into Public Account.

28. If any license-holder shall be convicted of any indictable offence his license shall, *ipso facto*, be deemed to have been cancelled. In certain cases license deemed to be cancelled.

SCHEDULE.

Schedule.

A.

FORM OF APPLICATION FOR LICENSE.

To the Inspector of Factories for the District of
I, A.B., residing at _____, hereby apply for a license under "The Servants' Registry Offices Act, 1895," as the keeper of a servants' registry office at the premises situate at _____, in this district. I enclose herewith the certificate of a Magistrate, and also the prescribed fee of five shillings.

Dated this _____ day of _____, 18 .

A.B.

B.

CERTIFICATE OF MAGISTRATE.

I, the undersigned, being a Stipendiary Magistrate residing or exercising jurisdiction within the District of _____, do hereby certify that I believe [*Here state the name of the applicant*] to be a fit and proper person to keep and have the conduct of a servants' registry office under "The Servants' Registry Offices Act, 1895."

Dated at _____, this _____ day of _____, 18 .

C.D.,

Stipendiary Magistrate.

C.

FORM OF LICENSE.

I, the undersigned, Inspector of Factories for the District of _____, do hereby certify that A.B., of _____, is hereby licensed to keep and have the conduct of a servants' registry office in this district, subject to the provisions of "The Servants' Registry Offices Act, 1895." This license, unless sooner cancelled, continues in force in this district (but not elsewhere) for twelve months from the date hereof, and is not transferable in any manner whatsoever.

Dated this _____ day of _____, 18 .

E.F.,

Inspector of Factories.

D.

BOOK OF ENGAGEMENTS.

Name of Employer.	Address and Occupation.	Name of Servant.	Nature of Engagement.	Rate of Wages.	Terms of Engagement

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