

PLUMBERS AND GASFITTERS REGISTRATION BILL

EXPLANATORY NOTE

THIS Bill consolidates and amends the Plumbers Registration Act 1953 and provides for the registration of both plumbers and gasfitters.

A major innovation is the provision for the issue of limited certificates which will enable the holders to do either sanitary plumbing, or gasfitting, or both, as the certificate shall specify, while in the employment or under the supervision of a registered plumber or a registered gasfitter, as the case may require.

Under the present Act sanitary plumbing is already required to be done throughout a great part of New Zealand by registered plumbers. Under this Bill sanitary plumbing is required to be done throughout the whole of New Zealand either by a registered plumber or by the holder of a limited certificate to do sanitary plumbing.

Clause 1 relates to the Short Title and commencement of the Bill. The Bill is to come into force on 1 April 1965.

Clause 2 deals with the interpretation of terms used in the Bill. The definitions of the terms "gasfitting" and "sanitary plumbing" are the most important parts of this clause. The definition of "sanitary plumbing" has been substantially altered. Some of the alterations have been made to remove doubts as to its meaning raised by the decision of the Supreme Court in *Key v. Heat and Air Control Ltd.* [1962] N.Z.L.R. 867.

One important alteration is that the work of repairing or replacing taps, valves, ball valves, tap washers, or plugs is no longer to be classed as sanitary plumbing.

Clause 3 is new. It provides that the proposed Act shall bind the Crown.

Plumbers and Gasfitters Board

Clause 4 provides for the establishment of a Plumbers and Gasfitters Board of 11 members. This Board is to be the successor of the existing Plumbers Board of five members.

Clause 5 deals with meetings of the Board.

Clause 6 provides that the Board is to have an official seal.

Clause 7 sets out the functions of the Board. They involve the registration and education of plumbers and gasfitters and the exercise of disciplinary powers.

Clause 8 provides for the remuneration and travelling expenses of the members of the Board, of any committee appointed by the Board, of any person co-opted to advise the Board, and of any investigators or assessors appointed under *section 20 or section 29* of the proposed Act respectively.

Registration of Plumbers and Gasfitters

Clause 9 requires the Registrar to keep a Register of Plumbers, a Register of Gasfitters, and a Register of Holders of Limited Certificates.

Clause 10 sets out the qualifications for registration as a plumber. A new provision is paragraph (c) of this clause which provides that the Board may register any person who satisfies the Board that he has had basic plumbing training and not less than seven years of plumbing experience and is fully competent to do sanitary plumbing. This paragraph is subject to the proviso that no person shall be registered under it unless the Board is of the opinion that the applicant would suffer undue hardship if he was required to qualify by examination under paragraph (b) of this clause or that for some other sufficient reason he should not be required to so qualify.

Clause 11 is new. It sets out the qualifications for registration as a gasfitter.

Clause 12 provides for the issue by the Registrar of certificates of registration.

Clause 13 requires registered plumbers and gasfitters to have current licences.

Clause 14 is new. It provides for the issue of provisional licences to applicants for registration under this Act who appear to the Registrar to be qualified for such registration.

Clause 15 is new. It provides for the issue by the Registrar of limited certificates to apprentice plumbers and journeyman plumbers. The holders of these certificates will be entitled to do sanitary plumbing while in the employment or under the supervision of a registered plumber. Power is given under *clause 41* to make these certificates renewable at such intervals as may be prescribed.

Clause 16 is new. It provides for the issue by the Registrar of limited certificates to gasfitters other than registered gasfitters. The holders of these certificates will be entitled to do gasfitting while in the employment or under the supervision of a registered gasfitter. Power is given under *clause 41* to make these certificates renewable at such intervals as may be prescribed.

Clause 17 contains provisions of a machinery nature relating to limited certificates. *Subclause (4)* of this clause gives to persons to whom the Registrar refuses to issue limited certificates a right of appeal to the Board.

Clause 18 allows the names of persons to be removed from the registers if they so request or if they cannot be found or if they are dead.

Clause 19 is new. It provides that any register kept under the proposed Act may be corrected if any person has been wrongfully registered or if any particulars shown in any such register are incorrect.

Disciplinary Provisions

Clause 20 is new. It provides for the appointment of investigators for the purpose of the disciplinary provisions of the proposed Act.

Clause 21 is new. It provides that complaints against persons registered under the Act are to be made in the first instance to the Registrar. He must refer them to an investigator who will determine, after due inquiry, whether or not they are to be referred to the Board.

Clause 22 sets out the grounds on which the Board may exercise its disciplinary powers. The main disciplinary power is the power to order the removal of a person's name from the appropriate register.

Clause 23 is new. It describes the manner in which the Board is to inquire into complaints.

Clause 24 is new. It empowers the Board to require witnesses to attend and give evidence.

Clause 25 is new. It provides that witnesses and counsel shall have the same privileges and immunities in relation to matters before the Board as if they were proceedings in a Court of law.

Clause 26 is new. It makes provision for the payment of witnesses expenses.

Clause 27 is new. It gives the Board the power to suspend the registration of any person for a period not exceeding 12 months in any case where the Board has power to remove the name of any person from the register.

Clause 28 is new. It provides that, subject to the provisions of this clause, the disciplinary provisions of the proposed Act are to apply to the holders of limited certificates in the same way as they apply in respect of registered plumbers and registered gasfitters.

Appeals

Clause 29 provides for appeals against decisions of the Board. An appeal will be available to any person who is refused registration or who is dealt with under the disciplinary provisions of the proposed Act. The appeal authority is to be an Appeal Tribunal consisting of a Magistrate and two assessors, of whom one shall be appointed by the Board and one by the appellant.

Financial Provisions

Clause 30 deals with the application of fees received by the Board.

Clause 31 is new. It provides that the accounts of the Board are to be prepared annually and are to be audited by the Audit Office.

Clause 32 provides that in the event of the Board not having sufficient funds for payment of its lawful expenditure, the amount of the deficiency is to be met out of money appropriated by Parliament for the purpose.

Clause 33 is new. It allows the Board to expend up to £50 in each year for purposes not authorised by any other provision of the proposed Act.

Offences and Legal Proceedings

Clause 34 prescribes offences. Several of these offences are new to this Act. The new provisions are contained in paragraphs (b) to (d) and (f) of *sub-clause (1)* of this clause.

These paragraphs provide that every person commits an offence who,—

- (b) Causes or permits the publication of any advertisement which purports to advertise the business of a registered plumber or registered gasfitter without specifying the name under which the plumber or gasfitter is registered under the Act; or

- (c) Subject to the provisions of *clauses 15 and 37* of this Bill, does any sanitary plumbing while not holding a current licence as a registered plumber; or
- (d) Subject to the provisions of *clause 16* of this Bill, does any gasfitting while not holding a current licence as a registered gasfitter; or
- (f) Allows his certificate of registration, licence, or limited certificate to be used by any other person.

Clause 35 deals with the onus of proof in prosecutions for offences against the proposed Act.

Clause 36 provides that there is to be a limitation period of three years in respect of prosecutions for offences against the proposed Act.

Exemption

Clause 37 makes provision for an exemption from some of the provisions relating to sanitary plumbing. The proposed section is to come into force on 1 September 1965 subject to the proviso that the Governor-General may by Order in Council, on the written application of any local authority or drainage board, defer the commencement, or suspend the operation, of the section, within the district, or any specified part of the district, of that local authority or drainage board for such period as he thinks fit.

Where the section is in force the owner of any premises which are occupied by him as a residence or intended residence for himself, or for himself and members of his family, may, subject to the provisions of any enactment other than the proposed Act, personally do any sanitary plumbing in those premises either with or without the assistance of any member of his family living with him, but without the assistance of any other person.

Miscellaneous Provisions

Clause 38 deals with the conduct of examinations by the Board.

Clause 39: Subclause (1) of this clause provides that it is the duty of every local authority within the meaning of the Health Act 1956 to enforce within its district the provisions of the proposed Act which require enforcement.

The other provisions of this clause are substantially the same as in the existing Act save that *subclause (3)* has been extended to cover gasfitters.

Clause 40 relates to the making of arrangements with the Government of any Commonwealth country or the Government of the Republic of Ireland for the reciprocal recognition of certificates and registration.

Clause 41 authorises the making of regulations for the purposes of the proposed Act.

Clause 42 repeals the Plumbers Registration Act 1953 and the Plumbers Registration Amendment Act 1955 and consequentially revokes certain regulations.

Hon. Mr McKay

PLUMBERS AND GASFITTERS REGISTRATION

ANALYSIS

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A BILL INTITULED

An Act to consolidate and amend the law relating to the registration of plumbers and to make provision for the registration of gasfitters

BE IT ENACTED by the General Assembly of New Zealand 5
in Parliament assembled, and by the authority of the same, as follows:

1. Short Title and commencement—(1) This Act may be cited as the Plumbers and Gasfitters Registration Act 1964.

(2) Except as provided in section 37 of this Act, this Act 10
shall come into force on the first day of April, nineteen hundred and sixty-five.

2. Interpretation—In this Act, unless the context otherwise requires,—

“Board” means the Plumbers and Gasfitters Board con- 15
stituted under this Act:

“Fixing” includes installing, connecting, repairing and altering, and “unfixing” includes removing and disconnecting:

“Gas” means any gas obtained from a main owned or 20
operated by a company within the meaning of the Gas Supply Act 1908:

“Gasfitting” means the work of fixing or unfixing pipes, whether principal, subsidiary, or branch pipes, reticulating or conveying or intended to reticulate or convey 25
gas in or on any premises beyond the gas meter or meters on those premises; and includes the work of fixing or unfixing pipes and flue pipes to any appliance which uses gas:

“Investigator” means a person appointed to be an 30
investigator under section 20 of this Act:

“Licence” means a licence issued under section 13 or section 14 of this Act:

“Limited certificate” means a limited certificate issued under section 15 or section 16 of this Act: 35

“Minister” means the Minister of Health:

“Prescribed” means prescribed by regulations made under this Act:

“Registered gasfitter” means a person registered as a gasfitter under this Act: 40

“Registered plumber” means a person registered as a plumber under this Act:

“Registrar of Plumbers and Gasfitters” and “Registrar” means the person for the time being holding the office of Chief Inspector of Health in the Department of Health:

5 “Sanitary plumbing” means—

(a) The work of fixing or unfixing any bath, shower, lavatory basin, sink, slop sink, urinal, water closet, bedpan washer, bedpan steriliser, laundry tub, or washing machine, or any other sanitary fitting or appliance, or any fittings or accessories associated therewith;

10 (b) The work of fixing or unfixing any trap, waste or soil pipe, ventilation pipe or shaft, or overflow pipe connected with or intended to be connected with or accessory to any sanitary fitting or appliance or any drain or sewer, whether or not the fitting, appliance, drain, or sewer is there when the work is done;

15 (c) The work of fixing or unfixing any pipe which supplies or is intended to be a means of supplying water to any sanitary fitting or appliance whether or not any fitting or appliance is there when the work is done;

20 (d) The work of fixing or unfixing, within the legal boundary of any premises in which any sanitary fitting or appliance has been or is intended to be fixed, any pipe that is connected or is intended to be connected to any water tank or to any pipe fixed or intended to be fixed within such boundary for the purpose of supplying water to any sanitary fitting or appliance, whether or not the tank, fitting, or appliance is there when the work is done;

25 (e) The work of laying, fixing, or unfixing any cast iron drain;

30 (f) Generally all plumbing work associated with any sanitary fitting or appliance—
35 but does not include—

(i) The work of fixing or unfixing any sanitary fitting or appliance which is installed or is intended to be installed in any ship, aircraft, or vehicle or any plumbing work associated with any such sanitary fitting or appliance; or

40 (ii) The work of fixing or unfixing a gas or electrical water heater that supplies or is intended to supply hot water to not more than one sanitary fitting or appliance; or
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- (iii) The work of fixing or unfixing any other gas or electrical water heater in any case where fixing or unfixing of pipes supplying or intended to supply water is not involved; or 5
- (iv) The work of fixing or unfixing a bedpan washer, a bedpan steriliser, or a washing machine in any case where the fixing or unfixing of waste pipes or of pipes supplying or intended to supply water is not involved; or 10
- (v) The work of fixing or unfixing pipes for reticulating hot water in any central heating system or a pipe supplying cold water from a tank or pressure reducing valve to a heating appliance used exclusively for a central heating system; or 15
- (vi) The work of repairing or replacing taps, valves, ball valves, tap washers, or plugs; or 20
- (vii) The work of fixing or unfixing any shower which is installed over a bath and which is supplied with water through the bath taps.

Cf. 1953, No. 85, s. 2; 1955, No. 18, s. 2

3. Act to bind the Crown—This Act shall bind the Crown. 25

Plumbers and Gasfitters Board

4. Plumbers and Gasfitters Board—(1) There is hereby established a Board, to be called the Plumbers and Gasfitters Board, which shall, subject to the provisions of this Act, succeed to the rights, duties and responsibilities hitherto conferred and imposed on the Plumbers Board of New Zealand constituted under the Plumbers Registration Act 1953. 30

(2) The Board shall consist of:

- (a) The Director-General of Health who shall be the Chairman of the Board: 35
- (b) The Registrar of Plumbers and Gasfitters who shall be the Deputy Chairman of the Board:
- (c) One person to be appointed by the Minister on the recommendation of the Director of Education: 40
- (d) One person, for the time being holding in New Zealand the position of Engineer to a Borough Council or Drainage Board, to be appointed by the Minister:

- (e) One person to be appointed by the Minister on the recommendation of the Municipal Association of New Zealand Incorporated:
- 5 (f) One person to be appointed by the Minister on the recommendation of the New Zealand Counties Association Incorporated:
- (g) One person, being a member of the Gas Association of New Zealand, Incorporated, to be appointed by the Minister on the recommendation of that Association:
- 10 (h) Two persons, being members of the New Zealand Society of Master Plumbers Incorporated, to be elected by the members of that Society:
- (i) Two persons, being members of the New Zealand Plumbers, Gasfitters and Related Trades Industrial Unions of Workers, to be elected by the members of that union.
- 15 (3) With respect to the members appointed under paragraphs (d), (e), (f), and (g) or elected under paragraphs (h) or (i) of subsection (2) of this section the following provisions shall apply—
- 20 (a) Appointments shall be made and elections held in the prescribed manner:
- (b) The names of the persons from time to time appointed or elected shall be published in the *Gazette*:
- 25 (c) The members so appointed or elected shall hold office for a term of three years from the date of the publication of the *Gazette* notifying their appointment or election:
- 30 (d) If any such member dies, or by writing addressed to the Chairman resigns his office, or fails without the consent of the Board to attend four consecutive meetings of the Board, or is removed from office pursuant to paragraph (e) of this subsection, his office shall become vacant, and the Minister may appoint some other suitable person in his stead, who shall hold office for the residue of the period during which the vacating member would have held it if the vacancy had not occurred:
- 35 (e) Any appointed member may from time to time be re-appointed or may at any time be removed from office by the Minister for disability, insolvency, neglect of duty, or misconduct.
- 40 (4) Unless he sooner vacates his office as provided in the subsection (3) of this section, every member of the Board

shall continue in office until his successor comes into office, notwithstanding that the term for which he was appointed may have expired.

(5) The powers of the Board shall not be affected by any vacancy in the membership thereof.

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Cf. 1953, No. 85, s. 3

5. Meetings of the Board—(1) Meetings of the Board shall be held at such times and places as the Board or the Chairman thereof from time to time determines.

(2) Notice of the time and place of every such meeting shall be sent to every member of the Board at least seven clear days before the day appointed for the meeting.

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(3) A quorum shall consist of five members of the Board.

(4) Every question before the Board shall be determined by a majority of the votes of the members present at a meeting of the Board.

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(5) The Chairman of the Board shall preside at all meetings thereof at which he is present. In the absence of the Chairman of the Board from any meeting thereof the Deputy Chairman shall preside. In the absence of both the Chairman and the Deputy Chairman of the Board from any meeting thereof, the members present shall appoint one of their number to act as Chairman in respect of that meeting.

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(6) At any meeting of the Board the Chairman of that meeting shall have a deliberative vote and, in the case of an equality of votes, he shall also have a casting vote.

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(7) In the event of any member of the Board, other than the Chairman of the Board, being unable to attend at any meeting of the Board, he may, by writing addressed to the Chairman, nominate a suitable person to attend the meeting in his stead, and such person shall, subject to the approval of the Board in each case, be deemed for all purposes to be a member of the Board while so attending.

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(8) Except as expressly provided in this Act or in any regulations made under this Act, the Board may regulate its procedure in such manner as it thinks fit.

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Cf. 1953, No. 85, ss. 4, 5, and 6

6. Seal of Board—The Board shall have an official seal for authentication of documents executed or issued by or on behalf of the Board. Every document to which the seal is affixed shall be signed by the Chairman or Deputy Chairman and another member of the Board.

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7. Functions and powers of the Board—(1) The functions of the Board shall be—

- (a) To make provision for the examination of persons practising or intending to practise the plumbing or gasfitting trades:
 - (b) To grant or issue, either independently or in conjunction with any other examining body, diplomas or certificates to any such person in recognition of his proficiency in such trades:
 - (c) To grant registration to plumbers and gasfitters in accordance with the provisions of this Act:
 - (d) To exercise disciplinary powers in accordance with the provisions of this Act.
- (2) The Board may expend money and generally take any action for any purpose that in its opinion is ancillary to its functions as defined in subsection (1) of this section. Without limiting the power conferred by this subsection, it is hereby declared that the Board may—
- (a) Co-opt, if necessary, any person or persons to advise the Board in connection with the plumbing and the gasfitting trades:
 - (b) Make representations to the New Zealand Plumbing and Gasfitting Apprenticeship Committee in regard to the prerequisite education for apprentices wishing to enter the plumbing or gasfitting trades, or in regard to other matters affecting such apprentices:
 - (c) From time to time, with the approval of the Minister, appoint such advisory or technical committees as it thinks fit to advise the Board on such matters within the scope of its functions and powers as are referred to them by the Board, and appoint any person to be a member of any such committee notwithstanding that he is not a member of the Board:
 - (d) Charge fees for entry for any examination.

8. Fees, salary, or allowances to be paid to members of the Board—There shall be paid to the members of the Board and to the members of any committee appointed by the Board and to any person co-opted to advise the Board, and to any investigators or assessors appointed under section 20 or section 29 of this Act, remuneration by way of fees, salary, or allowances and expenses in accordance with the Fees and Traveling Allowances Act 1951, and the provisions of that Act shall apply accordingly as if any person so co-opted to advise the

Board or as if any such investigators and assessors (as well as the members of the Board) were members of a statutory Board within the meaning of that Act.

Cf. 1953, No. 85, s. 7

Registration of Plumbers and Gasfitters

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9. Registers—(1) The Registrar shall keep in his office the following registers, namely:

(a) A Register of Plumbers:

(b) A Register of Gasfitters:

(c) A Register of Holders of Limited Certificates.

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(2) There shall be entered in the appropriate register the name of every person entitled to be registered as a plumber or gasfitter under this Act, or, as the case may require, the name of every holder of a limited certificate issued under this Act, together with such other particulars as may be prescribed.

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(3) The Registrar shall, in making entries in the Register of Holders of Limited Certificates, distinguish between certificates which authorise the holders to do sanitary plumbing and certificates which authorise the holders to do gasfitting.

(4) The registers kept under this Act shall at all reasonable times be open to inspection by the public.

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Cf. 1953, No. 85, s. 9

10. Qualifications for registration as a plumber—Subject in the case of persons registered pursuant to paragraph (b) or paragraph (c) of this section to the payment of the prescribed fee, every person shall be entitled to registration as a plumber who satisfies the Board—

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(a) That he was registered as a plumber immediately prior to the commencement of this Act; or

(b) That he is the holder of a certificate that he has passed such examinations in sanitary plumbing, both practical and theoretical, as may be prescribed or approved by the Board; or

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(c) That he has had basic plumbing training and not less than seven years of plumbing experience and is fully competent to do sanitary plumbing:

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Provided that no person shall be registered pursuant to paragraph (c) of this section unless the Board is of the opinion that he would suffer undue hardship if he were required to qualify for registration under paragraph (b) of this section or that for some other sufficient reason he should not be required to so qualify.

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Cf. 1953, No. 85, s. 8

11. Qualifications for registration as a gasfitter—Subject to the payment of the prescribed fee, every person shall be entitled to registration as a gasfitter who satisfies the Board—

- 5 (a) That he is registered as a plumber and that he is fully competent to carry out gasfitting; or
- (b) That he is the holder of a certificate that he has passed such examinations in gasfitting, both practical and theoretical, as may be prescribed or approved by the Board; or
- 10 (c) That he was immediately prior to the commencement of this Act fully competent to carry out gasfitting and that he applied for such registration within six months following such commencement or within such extended period as the Board may in any particular
- 15 case allow.

12. Certificates of registration—(1) The Registrar shall, on application in that behalf made to him at any time by any registered plumber or by any registered gasfitter, and on payment of the prescribed fee, issue to that person a certificate
20 of registration.

(2) It shall be sufficient compliance with this section, if, in the case of a person who is entitled to registration both as a plumber and as a gasfitter, there is issued to him one certificate of registration which describes him as a registered plumber
25 and gasfitter.

Cf. 1953, No. 85, s. 10

13. Registered plumbers and registered gasfitters to have licences—(1) In this section “year” means the period of twelve months beginning on the first day of April in any year
30 and ending with the thirty-first day of March next following.

(2) Except as provided in sections 15, 16, and 37 of this Act, no person shall in any year be entitled to do any sanitary plumbing or gasfitting unless he is the holder of a plumber’s or gasfitter’s licence, as the case may require, issued in respect
35 of that year.

(3) Subject to the payment of the prescribed fee, the Registrar, on application made to him for that purpose by any registered plumber or registered gasfitter, shall issue to him a licence accordingly, and any such licence shall be in force
40 during the year or years in respect of which it is issued:

Provided that if at any time before or during the currency of any such licence the holder thereof ceases to be registered under this Act or his registration is suspended, the licence shall be deemed to be cancelled.

(4) Any person who is entitled to receive a licence under this section shall be deemed to have obtained the licence when he has duly applied to the Registrar for it and paid the prescribed fee.

(5) A licence may be issued under this section in advance for any period of years not exceeding five, and may, subject to the approval of the Postmaster-General, be applied for and issued through any Post Office. 5

(6) Subsection (2) of section 12 of this Act shall, subject to any necessary modifications, apply in respect of licences issued under this section as it applies in respect of certificates of registration. 10

Cf. 1953, No. 85, s. 11 (1)–(4)

14. Provisional licences—(1) Notwithstanding anything to the contrary in this Act, the Registrar may, subject to the payment of any fee which may be prescribed, issue to a person who has applied for registration under this Act and who appears to the Registrar to be qualified for such registration a provisional licence which shall entitle that person, pending the consideration of his application by the Board, to do such work as he would have been entitled to do if he had been registered as requested in his application. 15 20

(2) Every provisional licence shall, unless it has been cancelled or has lapsed, remain in force for the period, not exceeding three months, stated therein, but any such licence may from time to time be renewed. 25

(3) The holder of any provisional licence shall, while the licence remains in force, be deemed for all purposes to be a registered plumber or a registered gasfitter or both a registered plumber and a registered gasfitter according to the tenor of such licence. 30

(4) The Registrar may cancel any provisional licence at any time on the direction of the Board, or may, without any such direction, refuse to renew any such licence.

15. Apprentice plumbers and journeymen plumbers to have limited certificates—(1) In this section— 35

“Apprentice plumber” means any person who has contracted to serve an employer in the plumbing trade and to learn and be taught the plumbing trade:

“Journeyman plumber” means any person who— 40

(a) Has completed an apprenticeship in the plumbing trade; or

(b) Is employed in the plumbing trade and satisfies the Board that he intends presenting himself for examination in sanitary plumbing after he has served for seven years in such trade or within such shorter period as the Board may approve in any particular case; or

(c) Is employed in the plumbing trade and satisfies the Board that he has been so employed for seven years or for such shorter period as the Board may approve in any particular case and that he is competent to do sanitary plumbing in the employment or under the supervision of a registered plumber.

(2) Subject to the provisions of sections 17 and 28 of this Act, the Registrar shall, on application in that behalf made to him at any time by any apprentice plumber or any journeyman plumber and on payment of any prescribed fee, issue to that person a limited certificate to do sanitary plumbing.

(3) Subject to any regulations made under paragraph (c) of section 41 of this Act, any such limited certificate shall entitle the holder to do sanitary plumbing while in the employment or under the supervision of a registered plumber.

(4) A limited certificate issued under this section may be combined with a limited certificate issued under section 16 of this Act.

16. Gasfitters other than registered gasfitters to have limited certificates—(1) Subject to the provisions of sections 17 and 28 of this Act the Registrar shall, on application in that behalf made to him at any time by any person other than a registered gasfitter and on payment of any prescribed fee, issue to that person a limited certificate to do gasfitting.

(2) Subject to any regulations made under paragraph (c) of section 41 of this Act, any such limited certificate shall entitle the holder to do gasfitting while in the employment or under the supervision of a registered gasfitter.

17. Further provisions as to limited certificates—(1) On the registration as a plumber of any person who holds a limited certificate to do sanitary plumbing, such certificate shall be deemed to be cancelled and the Registrar shall remove the name of that person, in respect of that certificate, from the Register of Holders of Limited Certificates.

(2) On the registration as a gasfitter of any person who holds a limited certificate to do gasfitting, such certificate shall be deemed to be cancelled and the Registrar shall remove the name of that person, in respect of that certificate, from the Register of Holders of Limited Certificates.

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(3) No limited certificate shall be issued to any person who is or has been a registered plumber or a registered gasfitter without the approval of the Board.

(4) In the event of the Registrar refusing to issue a limited certificate to any person, such person may appeal to the Board which may confirm or reverse the decision of the Registrar or may direct that a limited certificate be issued to such person when any conditions which it specifies have been satisfied.

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18. Name may be removed from registers if plumber or gasfitter or holder of limited certificate cannot be found, etc.—

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(1) The Registrar may at any time, and shall if the Board so directs, send to any registered plumber or registered gasfitter or holder of a limited certificate by registered letter, addressed to him at his last known place of abode or business, an inquiry as to whether or not he desires to have his name retained in the register or registers, as the case may require.

20

(2) If no reply is received to that letter within three months from the date on which it was posted, or if the letter is not delivered and is returned to the Registrar, the Registrar shall, if the Board so directs, remove from the register or registers the name of the plumber or gasfitter or holder of the limited certificate to whom the letter was sent.

25

(3) If the Board has reason to believe that any registered plumber or registered gasfitter or holder of a limited certificate has died, it may direct the Registrar to remove the name of that person from the appropriate register or registers, and the Registrar shall remove that name accordingly.

30

(4) If any registered plumber or registered gasfitter or holder of a limited certificate applies to the Registrar to have his name removed from any register, the Registrar shall, if no proceedings are pending against that person under sections 21 to 28 of this Act, remove the name from the register accordingly.

35

(5) Any person whose name has been removed from any register in pursuance of this section may apply to the Registrar to have his name restored to that register, and on payment of the prescribed fee his name shall be restored to that register accordingly.

Cf. 1953, No. 85, s. 13

19. Correction of registers—(1) If any person has been registered under this Act by reason of any false or fraudulent representation or declaration, made either orally or in writing, or if any person not entitled to be registered under this Act has been so registered, the Board shall cause the name of that person to be removed from the material register, and the Registrar shall notify that person accordingly.

(2) Where it appears to the satisfaction of the Registrar that the name of any person, or other particulars relating to that person, is or are incorrectly stated in any register kept under this Act the Registrar may, on payment of any fee that may be prescribed, correct the register accordingly.

Disciplinary Provisions

20. Appointment of investigators—(1) The Minister may from time to time appoint any person, not being a member of the Board, who is a registered plumber or a registered gasfitter or who is employed by a local authority or drainage board as an inspector within the meaning of the Health Act 1956 to be an investigator and may at any time revoke such appointment.

(2) Appointments may be made under this section either generally or in relation to any particular case or class of cases, but no person who is in the employment of a local authority or drainage board shall be appointed to be an investigator without the prior consent of that authority or board.

(3) No person appointed as an investigator under this section shall be deemed by reason only of that appointment to be employed in the service of Her Majesty for the purposes of the State Services Act 1962 or of the Superannuation Act 1956.

21. Complaints against persons registered under this Act—

(1) Every person (other than an investigator) who seeks to make a formal complaint that any person who is registered under this Act has been guilty of any misconduct, or con-

victed of any offence, for which his name may be removed from the register in accordance with section 22 of this Act shall make the complaint to the Registrar.

(2) Every such complaint shall be in writing and shall, if the Registrar so requires, be supported by such statutory 5 declarations as the Registrar may require.

(3) Where the Registrar has received any such complaint and such statutory declarations as may be required as aforesaid he shall refer the complaint to an investigator and that investigator shall, if, after due inquiry, he considers that the 10 complaint has substance, refer it to the Board to be dealt with as hereafter provided in this Act.

22. Removal of name from register—(1) Upon a complaint referred to the Board as aforesaid by an investigator, or upon a complaint made to the Board by an investigator of 15 his own motion, the Board may cause the name of any registered plumber or registered gasfitter to be removed from any register kept under this Act and may order that person to pay any costs and expenses of and incidental to the inquiry by the Board and any preliminary inquiry by the investigator, 20 if it is satisfied, after inquiry as hereafter provided in this Act, but not otherwise—

- (a) That he has been convicted after the commencement of this Act of any offence, relating to plumbing or gasfitting, against this Act or the Health Act 1956 25 or any regulation thereunder; or
- (b) That he has been guilty of such improper or incompetent conduct in the performance of his duties as, in the opinion of the Board, renders him unfit to be registered under this Act; or 30
- (c) That he has been guilty of any other act or omission contrary to the integrity of the trade to which he belongs.

(2) In the case of any person who is both a registered plumber and a registered gasfitter the Board may exercise 35 its powers under this section by causing the name of that person to be removed from the Register of Plumbers or from the Register of Gasfitters or from both such registers.

(3) Notwithstanding the provisions of subsection (1) of this section the Board may exercise the powers conferred on it 40 by this section in relation to the conviction of any person on receipt of and pursuant to a certificate of such conviction

issued by the Court in which such person was convicted, whether or not a complaint has been made and whether or not an investigator has inquired into the matter.

Cf. 1953, No. 85, s. 14

5 **23. Inquiry by Board into complaint**—(1) Upon any complaint being referred or made to it as aforesaid or upon any such certificate of conviction being received, the Board shall hold an inquiry into the matter, and shall give to the person concerned not less than thirty days' notice in writing
10 of its intention to hold an inquiry, and of the time and place of hearing, and of the nature of the charge to be inquired into. The notice may be served personally or by registered letter addressed to the person concerned at his last known place of business or abode.

15 (2) At the inquiry the person concerned shall be entitled to be present and to be heard, and may if he thinks fit be represented by counsel or otherwise.

 (3) Every complaint that is referred or made to the Board by an investigator shall be prosecuted at the inquiry by that
20 investigator or by such other person as he may appoint.

 (4) At any inquiry the investigator who inquired into the complaint or any person so appointed by the investigator may be heard and may be represented by counsel or otherwise.

24. Witnesses may be required to attend and give evidence—(1) The Board, by notice in writing under the hand
25 of the Chairman or the Registrar, may, on tendering proper travelling expenses, require any person to attend and give evidence before it at any such inquiry.

 (2) The Board may require any such evidence to be given
30 on oath and either orally or in writing, and for that purpose the person presiding at any meeting of the Board may administer an oath.

 (3) Every person commits an offence against this Act and shall be liable on summary conviction to a fine not exceeding
35 fifty pounds, who without lawful justification refuses or fails to attend and give evidence when required to do so by the Board, or to answer truly and fully any question put to him by a member of the Board.

25. Immunity of witnesses and counsel—Witnesses and
40 counsel shall have the same privileges and immunities in relation to matters before the Board as if they were proceedings in a Court of law.

26. Witnesses' expenses—(1) Every witness giving evidence or intending to give evidence at any inquiry before the Board shall be entitled in the discretion of the Board to such sum for his expenses and loss of time as the Board may determine.

(2) Subject to any order made by the Board or an Appeal Tribunal as to the payment of costs and expenses, all such witnesses' expenses shall be paid by the Board. 5

27. Further disciplinary powers of Board—(1) In addition to the powers conferred on it by section 22 of this Act, the Board may, in any case where it has power to remove the name of any person from a register under that section, by writing under the hand of the Chairman, suspend his registration for a period not exceeding twelve months. 10

(2) While any order of suspension of registration under this section remains in force the person concerned shall be deemed not to be registered under this Act, but forthwith on the expiry of the order his rights and privileges as a person registered under this Act shall be revived as from the date of the expiry of the order. 15

(3) An order of suspension shall not take effect in any case until the expiration of twenty-eight clear days after the date of the notification by the Board to the person of the making of the order. If within that period the person gives due notice of appeal under section 29 of this Act, the order shall not take effect unless and until it is confirmed by an Appeal Tribunal constituted under that section or the appeal is for any reason dismissed by such an Appeal Tribunal: 25

Provided that, unless an Appeal Tribunal otherwise orders, the period of suspension specified in the order shall commence with the day on which the order commences to have effect. 30

(4) In the case of any person who is a registered plumber and a registered gasfitter the Board may exercise its powers under this section by suspending either or both of his registrations. 35

28. Application of disciplinary provisions to holders of limited certificates—(1) Subject to the provisions of this section, the provisions of sections 21 to 27 shall apply in respect of holders of limited certificates as they apply in respect of registered plumbers and registered gasfitters. 40

(2) The Board shall not order that the name of any person be removed from the register of holders of limited certificates, but when making an order of suspension of registration in respect of any person so registered the Board shall specify
5 the limited certificate or certificates which is or are to be cancelled and such certificate or certificates shall, subject to the provisions of subsection (3) of section 27 of this Act, be deemed to be cancelled accordingly.

(3) When a limited certificate held by any person is deemed
10 to be cancelled under subsection (2) of this section the Registrar shall, in respect of that certificate, remove the name of that person from the Register of Holders of Limited Certificates and shall not issue to him any limited certificate or provisional licence of any sort until the order of suspension
15 has expired.

Appeals

29. Appeals from decision of the Board—(1) Every person who is dissatisfied with any decision of the Board relating to an application by him for registration under this Act or for
20 the issue of a limited certificate, or to the removal of his name from the register, or to the suspension of his registration, or to the cancellation of his limited certificate, or to the imposition on him of any liability to pay costs or expenses, may, within twenty-eight days after notice of the decision
25 has been given to him by the Registrar, give notice of appeal in the prescribed manner to the Registrar.

(2) Upon receipt of the notice of appeal, the Registrar shall forthwith inform the Minister, who shall thereupon take all steps necessary for the constitution of an Appeal
30 Tribunal consisting of a Magistrate and two assessors, of whom one shall be appointed by the Board and one by the appellant.

(3) The Appeal Tribunal so constituted shall as soon as practicable hear the appeal; and may confirm or vary or
35 cancel the decision of the Board, or may order the registration of the appellant or the restoration of his name to the register or the determination of the order of suspension, or the issue or determination of the cancellation of a limited certificate, or the remission of the whole or any part of any liability to
40 pay costs or expenses imposed on him, or may make such other order as the case may require.

(4) The decision of not less than two members of the Appeal Tribunal (including the Magistrate) shall be the decision of that Tribunal, and that decision shall be final and conclusive.

(5) On any appeal under this section the Appeal Tribunal may make an order for the payment by or to the Board or the appellant, as the case may be, of the costs incurred in respect of the appeal, including the costs and expenses of the Appeal Tribunal, and in any such case the costs so awarded may be recovered in any Court of competent jurisdiction as a debt due by the party against whom they have been awarded to the party in whose favour they have been awarded.

(6) From the time an appeal is lodged under this section until a decision is given by the Appeal Tribunal, any appellant who was registered under the provisions of this Act shall be deemed to remain so registered.

(7) On any appeal under this section the Appeal Tribunal shall be deemed to be a Commission of Inquiry under the Commissions of Inquiry Act 1908, and all the provisions of that Act except sections 11 and 12 (which relate to costs) shall apply accordingly.

Cf. 1953, No. 85, s. 12

Financial Provisions

30. Application of fees, etc., received by Board—(1) The Registrar shall take and receive the fees prescribed by regulations made under this Act as payable to the Board in respect of the matters specified in the regulations.

(2) Until the prescribed fee has been paid, the Registrar may decline to do any act, or to permit any act to be done, or to receive any document in respect of which that fee is payable.

(3) All fees and other money received on behalf of the Board under this Act shall be paid forthwith into such bank within the meaning of the Banking Act 1908 as the Board may determine to the credit of a separate account in its name, and may be applied by the Board as follows:

(a) In payment of the expenses incurred by the Board in the exercise of its functions under this Act, including remuneration of any officers and servants of the Board:

(b) In payment of any costs, fees, salaries, allowances, and travelling allowances and expenses payable in accordance with this Act:

(c) Otherwise for the payment of any expenditure lawfully incurred by the Board.

(4) All cheques drawn on the said bank account shall be signed, and all negotiable and other instruments requiring endorsement shall be endorsed, by any two of such members of the Board as are nominated for the purpose, or by one such member and the Registrar.

(5) No cheque shall be drawn on the said account, and no money of the Board shall be expended, except pursuant to a resolution of the Board approving payment of the amount thereof, but no banker or other person to whom a cheque duly signed as aforesaid is presented shall be concerned to inquire whether any such resolution has been passed.

(6) The Board may from time to time, as it thinks fit, invest any money not for the time being required for any of the purposes mentioned in subsection (3) of this section by depositing it in its name in the Post Office Savings Bank or with any bank or investing it in any manner in which trustees are for the time being authorised to invest trust funds.

Cf. 1953, No. 85, ss. 18 and 19

31. Accounts and audit—(1) The accounts of the Board for every year ending with the thirty-first day of March shall comprise a balance sheet showing the financial position of the Board at the thirty-first day of March in that year, together with a statement of income and expenditure.

(2) The accounts of the Board shall be audited by the Audit Office, which for that purpose shall have and may exercise all such powers as it has under the Public Revenues Act 1953 in respect of public money and the audit of local authorities' accounts.

32. Assistance from departmental vote—(1) In the event of the Board not having sufficient funds (whether in its said bank account or on deposit as aforesaid or otherwise) for payment of its lawful expenditure at any time, the amount of the deficiency shall be met out of money appropriated by Parliament for the purpose.

(2) If any question arises as to the amount to be paid under this section, it shall be determined by the Minister of Finance, whose decision shall be final.

33. Unauthorised expenditure—The Board may, in any financial year, expend out of its funds for purposes not authorised by any other provision of this Act or by any other Act any sum or sums not amounting in the whole to more than fifty pounds.

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Offences and Legal Proceedings

34. Offences—(1) Every person commits an offence and shall be liable on summary conviction to a fine not exceeding fifty pounds who—

- (a) Not being a registered plumber, or, as the case may require, not being a registered gasfitter, uses or causes to be used in connection with his business or trade or calling any words or titles or initials or abbreviations of words or titles or initials, intended to cause or which may reasonably cause any other person to believe that he is a registered plumber or a registered gasfitter as the case may be; or 15
 - (b) Causes or permits the publication of any advertisement which purports to advertise the business of a registered plumber or registered gasfitter without specifying the name under which the plumber or gasfitter is registered under this Act; or 20
 - (c) Subject to the provisions of sections 15 and 37 of this Act, does any sanitary plumbing while not holding a current licence as a registered plumber; or 25
 - (d) Subject to the provisions of section 16 of this Act, does any gasfitting while not holding a current licence as a registered gasfitter; or
 - (e) Knowingly employs or permits or pays any person to do any sanitary plumbing or gasfitting contrary to the provisions of **this Act**; or 30
 - (f) Allows his certificate of registration, licence, or limited certificate to be used by any other person.
- (2) No person shall be convicted of an offence against paragraph (d) or, in relation to gasfitting, against paragraph (e) of subsection (1) of this section in respect of anything done before the first day of October, nineteen hundred and sixty-four. 35

Cf. 1953, No. 85, s. 20

35. **Onus of proof**—(1) In any prosecution for an offence against this Act, the onus shall be on the defendant to prove, where the facts are in issue, that he is or on all material dates was a registered person or the holder of a licence or of a limited certificate under this Act, as the case may be. The production by the defendant of a certificate or licence issued in accordance with this Act under the hand of the Registrar shall, in the absence of proof to the contrary, be sufficient evidence of the facts stated in the certificate or licence.
- 10 (2) In any prosecution for an offence against this Act, a certificate purporting to be under the hand of the Registrar to the effect that any person is not registered or is not the holder of a licence under this Act or of a limited certificate under this Act, or to the effect that his registration is suspended or is not in force, shall, in the absence of proof to the contrary, be sufficient evidence of any such fact which is stated in the certificate.

Cf. 1953, No. 85, s. 11 (5)

36. **Time for laying information**—Notwithstanding anything in section 14 of the Summary Proceedings Act 1957, any information in respect of any offence against this Act may be laid at any time within three years after the time when the matter of the information arose.

Exemption

37. **Exemption**—(1) Notwithstanding anything in this Act the owner of any premises occupied by him as a residence or intended residence for himself, or for himself and members of his family, may, subject to the provisions of any other enactment, personally do any sanitary plumbing in those premises with or without the assistance of any member of his family living with him, but without the assistance of any other person.

- (2) For the purposes of subsection (1) of this section “owner” means the person who would for the time being be entitled to receive the rent of the premises on his own account if the premises were let at a rent.

(3) This section shall come into force on the first day of September, nineteen hundred and sixty-five:

- Provided that the Governor-General may from time to time by Order in Council, on the written application of any local authority or any drainage board, defer the commencement of this section, or suspend the operation of this section, within the district, or any specified part of the district, of that local authority or drainage board for such period as he thinks fit.

Miscellaneous Provisions

38. Conduct of examinations—With respect to examinations prescribed by regulations under this Act, the following provisions shall apply:

- (a) The Board shall direct, control and conduct all the examinations, or may make such other arrangements for the holding of the examinations as it thinks fit, and may grant or refuse certificates of having passed the examinations: 5
- (b) No such certificates shall be granted unless the candidate produces evidence to the satisfaction of the Board that he has served an apprenticeship, or has been engaged in the plumbing trade for seven years or for such period as the Board may decide in any particular case, or, as the case may require, such period in the gasfitting trade as may be approved by the Board or prescribed by regulations. 10 15

Cf. 1953, No. 85, s. 17

39. Application of Act in relation to local authorities—

(1) It shall be the duty of every local authority within the meaning of the Health Act 1956 to enforce within its district the provisions of this Act which require enforcement. 20

(2) It shall not be lawful for a local authority to employ as an inspector of sanitary plumbing any person who is not a registered plumber unless he is qualified for appointment by that local authority as an inspector under section 28 of the Health Act 1956. 25

(3) No registered plumber or registered gasfitter or holder of a limited certificate shall be required under any bylaw made by a local authority to pass any examination or to obtain any licence or to pay any licence fee in order to practise the trade of sanitary plumbing or gasfitting. 30

(4) The expression “local authority” includes, in subsection (1) of this section, any drainage board for the time being undertaking the regulation of sanitary plumbing within its district, and, in subsections (2) and (3) of this section, any drainage board. 35

Cf. 1953, No. 85, ss. 15 and 16

40. Provisions as to reciprocity—(1) In this section “Commonwealth country” means a country that is a member of the Commonwealth of Nations; and includes every territory for whose international relations the Government of any such member is responsible. 40

(2) The Board may from time to time, with the consent of the Governor-General in Council, make arrangements with the Government of any Commonwealth country or the Government of the Republic of Ireland for the reciprocal recognition of certificates and registration.

Cf. 1953, No. 85, s. 22

41. Regulations—The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- 10 (a) Prescribing the form of and the method of keeping the registers:
- (b) Prescribing the forms required for the purposes of this Act or providing for the Board to prescribe those forms:
- 15 (c) Providing that limited certificates shall be renewable at such intervals or on or before such dates as may be prescribed, and for the lapsing of such certificates if not so renewed:
- (d) Prescribing the fees payable in respect of registration, certificates of registration, licences, limited certificates issued to journeymen plumbers or to gasfitters (other than apprentices), the renewal of such limited certificates, the correction of the register, and the restoration of any name to the register:
- 20 (e) Prescribing the subject matter of examinations to be conducted under this Act:
- (f) Regulating the procedure of the Board:
- (g) Prescribing the manner of the appointment of the members of the Board to be appointed pursuant to paragraphs (d), (e), (f), and (g) of subsection (2)
- 30 section 4 of this Act:
- (h) Prescribing and regulating the manner of the election of the members of the Board to be elected pursuant to paragraphs (h) and (i) of subsection (2) of
- 35 section 4 of this Act:
- (i) Providing for the appointment and remuneration of officers and servants of the Board whose number and salaries shall be determined by the Board in agreement with the State Services Commission:
- 40 (j) Providing for the conduct of appeals under section 29 of this Act:

- (k) Providing for the refund of fees:
- (1) Providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for the due administration thereof.

Cf. 1953, No. 85, s. 23

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42. Repeals and revocations—(1) The Plumbers Registration Act 1953 and the Plumbers Registration Amendment Act 1955 are hereby repealed.

(2) The Plumbers Regulations 1951, Amendment No. 6 and the Plumbers Regulations 1951, Amendment No. 7 are 10 hereby revoked.