

PLUMBERS REGISTRATION BILL

EXPLANATORY NOTE

This Bill is a consolidation of the Plumbers Registration Act 1912 and its amendments now in force. Besides changes in formal phrasing, made to accord with current drafting practice, alterations to bring the Bill into conformity with present day conditions have been made as follows:

Clause 2: Recent constitutional changes necessitate a fresh form of words to replace the expression "British Dominions". This clause has had added to it definitions of the expressions "Commonwealth" and "Commonwealth country". The definition of "sanitary plumbing" has been altered to conform with present day trade conditions and practices. The definitions of "Minister" and "register" have been inserted.

Clause 3 (1) (d): The words "national organizations" have been substituted for the words "federated associations" as journeymen now do not have a federated association.

Clause 15: The qualifications required by an inspector of sanitary plumbing are brought into line with the requirements under the Health Act 1920.

Clause 17 (b): The period of apprenticeship service has been altered from six years to 10,000 hours.

Clause 20: The penalties in this clause have been raised to £20 and £50 from £10 and £20 respectively to bring them into line with the penalties now generally provided in legislative enactments.

Clause 22: The words "Government of any Commonwealth country or the Government of the Republic of Ireland" have been substituted for the words "Government of any part of the British Dominions".

The disposition in the Bill of existing provisions to be repealed and replaced, and the reasons for omission of existing provisions to be repealed without replacement, are shown in the subjoined Comparative Table.

The sources of the clauses of the Bill are shown in the marginal notes.

COMPARATIVE TABLE

DISPOSITION IN BILL, OR REASON FOR OMISSION, OF ENACTMENTS REPEALED BY THE BILL

THE PLUMBERS REGISTRATION ACT 1912, No. 43 (REPRINT OF STATUTES, Vol. VI, p. 1118)

Section of Act.	Clause of Bill or Reason for Omission.	Section of Act.	Clause of Bill or Reason for Omission.
1	Short Title.	15	16
2	2	16	23
3	3	17	17
4	4	18	18
5	5	19	19
6	6	20	20
7	8	20A	13
8	9	21	14
9	10	22	15
10 to 13	Repealed by 1932-33, No. 45, s. 16 (9).	23	21
		24	22
14	12	Schedule	Impliedy repealed.
14A	7		

THE FINANCE ACT 1932-33 (No. 2), No. 45

Section of Act.	Clause of Bill or Reason for Omission.
16 (1)	Introductory.
16 (2), (3), (5), (6), and (8)	11
16 (4)	20 (1)
16 (7)	23 (c)
16 (9)	Repeal.

THE PLUMBERS REGISTRATION AMENDMENT ACT 1950, No. 15

Section of Act.	Clause of Bill or Reason for Omission.
1	Short Title.
2	23 (b)
3	13

THE FEES AND TRAVELLING ALLOWANCES ACT 1951, No. 79

Section of Act.	Clause of Bill.
10 (1) and Second Schedule	7

Hon. Mr. Marshall

PLUMBERS REGISTRATION

ANALYSIS

Title.	12. Appeals from refusal of Board to register.
1. Short Title and commencement.	13. Name may be removed from register if plumber cannot be found, &c.
2. Interpretation.	14. Removal of name from register.
<i>Plumbers Board</i>	15. Inspector of sanitary plumbing must be registered or otherwise qualified.
3. Plumbers Board.	16. Registered plumbers not required to pass examination prescribed by local authority.
4. Meetings of Board.	17. Conduct of examinations.
5. In absence of Director-General, Board may appoint Chairman.	<i>General</i>
6. Quorum.	18. Moneys received under Act payable into Public Account.
7. Fees, salary, or allowances to be paid to members of Board.	19. Expenses of administration.
<i>Registration of Plumbers</i>	20. Penalties for breaches of Act.
8. Qualifications for registration as plumbers.	21. Application of Act limited.
9. Register of Plumbers.	22. Provisions as to reciprocity.
10. Certificates of registration.	23. Regulations.
11. Registered plumbers to have annual licences.	24. Repeals and savings.
	Schedule.

A BILL INTITULED

AN ACT to consolidate and amend certain enactments relating to the registration of plumbers. Title.

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

1. This Act may be cited as the Plumbers Registration Act 1953, and shall come into force on the first day of *January*, nineteen hundred and *fifty-four*. Short Title and commencement.

Interpretation.
1912, No. 43,
s. 2;
1920, No. 45,
s. 5

See Reprint
of Statutes,
Vol. VI, p. 1061

2. In this Act, unless the context otherwise requires,—
- “ Board ” means the Plumbers Board of New Zealand constituted under this Act: 15
- “ Commonwealth ” means the British Commonwealth of Nations; and includes every territory for whose international relations the Government of any country of the Commonwealth is responsible: 5
- “ Commonwealth country ” means a country that is a member of the Commonwealth; and includes every territory for whose international relations the Government of that country is responsible: 10
- “ Director-General of Health ” means the Director-General of Health appointed under the Health Act 1920, or any person for the time being appointed by the Minister as the deputy of the Director-General of Health for the purposes of this Act: 15
- “ Minister ” means the Minister of Health: 20
- “ Register ” means the Register of Plumbers of New Zealand kept under this Act:
- “ Registered plumber ” means a person registered under this Act:
- “ Registration ” and “ registered ” respectively mean registration under this Act and registered under this Act: 25
- “ Sanitary plumbing ” means—
- (a) The fixing, repairing, or disconnecting of any bath, sink, washtub, water closet, or other sanitary fitting or appliance, or of any fittings or accessories associated therewith; 30
- (b) The fixing, repairing, removing, or disconnecting of any trap, waste or soil pipe, ventilation pipe or shaft, or overflow pipe connected with or accessory to any sanitary fitting or appliance, or drain or sewer; 35
- (c) The fixing, repairing, removing, or disconnecting of any pipes that supply or are intended to supply water to any sanitary fitting or appliance; 40

(d) The laying, repairing, removing, altering, or disconnecting of any cast iron drain; and

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(e) Generally, all plumbing work associated with any sanitary fitting, or appliance,— but does not include—

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(i) The fixing, repairing, disconnecting, or removing of a gas or electrical water heater that supplies or is intended to supply hot water to not more than one sanitary fitting or appliance;

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(ii) The fixing, repairing, disconnecting, or removing of any electrical water heater or of any water supply pipes connected therewith if the water heater is not connected, either directly or indirectly, with any water supply system under the control of any local authority or public body; or

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(iii) The fixing, repairing, disconnecting, or removing of any other electrical water heater in any case where the fixing, repairing, or removing of water supply pipes is not involved.

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Plumbers Board

3. (1) There is hereby established a Board, to be called the Plumbers Board of New Zealand, which shall

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consist of the following members, namely:

(a) The Director-General of Health, who shall be the Chairman of the Board:

(b) The Director of Education:

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(c) A person for the time being holding in New Zealand the position of Engineer to a Borough Council or Drainage Board, who shall be appointed by the Governor-General:

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(d) Two persons being respectively a master plumber and a journeyman plumber, who shall be elected by their respective national organizations.

(2) With respect to the members appointed under paragraph (c) or elected under paragraph (d) of the last preceding subsection the following provisions shall

45 apply:

Plumbers Board.
1912, No. 43, s. 3;
1914, No. 56, s. 2;
1920, No. 45, s. 5

- (a) Appointments shall be made and elections held in the manner prescribed by regulations:
- (b) The names of the persons from time to time appointed or elected shall be gazetted:
- (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: 5
- (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, his office shall become vacant, and the Governor-General may appoint some other qualified 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. 10 15

Meetings of Board.
1912, No. 43,
s. 4

4. (1) The Board shall meet for the conduct of its business at such times and places as may from time to time be fixed by the Board by rules to be made by it in that behalf. 20

(2) Notice of the time and place of every such meeting, signed by the Chairman, shall be sent to every member of the Board at least seven clear days before the time appointed for that meeting. 25

(3) The Board may regulate its own procedure in such manner as it thinks fit.

In absence of Director-General, Board may appoint Chairman.
Ibid., s. 5

5. If at any meeting of the Board the Chairman is not present, the Board shall appoint some member present to act as Chairman in respect of that meeting, and the person so appointed shall have and may exercise all the powers and functions of the Chairman for the purposes of that meeting. 30

Quorum.
Ibid., s. 6

6. (1) At any meeting of the Board three members shall form a quorum. 35

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

(3) The Chairman of the Board shall have a deliberative vote, and, in the case of an equality of votes, shall have a casting vote also. 40

7. There shall be paid to the members of the Board and to any assessors appointed under section *twelve* of this Act remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly as if any such assessors (as well as the members of the Board) were members of a statutory Board within the meaning of that Act.

Fees, salary, or allowances to be paid to members of Board.
1912, No. 43, s. 14A;
1951, No. 79, s. 10 (1)

10 Registration of Plumbers

8. (1) Every person shall be entitled to registration as a plumber under this Act who satisfies the Board—
- (a) That he is the holder of a certificate that he has passed such examinations in sanitary plumbing, both practical and theoretical, as may be approved by the Board or prescribed by regulations; or
- (b) That he was on the first day of April, nineteen hundred and thirteen (being the date of the commencement of the Plumbers Registration Act 1912), the holder of a certificate or licence as a master plumber or journeyman plumber issued by the Drainage Boards of Christchurch or Dunedin, or issued under any municipal by-laws applicable to the licensing of plumbers; or
- (c) That, not being the holder of a certificate or licence as defined in paragraph (a) or paragraph (b) of this subsection, he was on the first day of April, nineteen hundred and thirteen, fully competent to perform the duties of a sanitary plumber:

Qualifications for registration as plumbers.
1912, No. 43, s. 7;
1920, No. 45, s. 5

See Reprint of Statutes, Vol. VI, p. 1118

- 35 Provided that application for registration under paragraph (b) or paragraph (c) of this subsection shall be made within six months from the time of making a regulation under paragraph (e) of section *twenty-three* of this Act.

- 40 (2) The Director-General of Health shall, in making entries in the register, distinguish between persons registered under paragraph (a) and those registered under paragraph (b) or paragraph (c) of subsection *one* of this section.

Register of Plumbers.
1912, No. 43,
s. 8;
1920, No. 45,
s. 5

9. (1) The Board shall, on being satisfied that any person is entitled to registration under this Act, cause the name of that person to be entered in a book to be kept by the Director-General of Health at his office and called the Register of Plumbers of New Zealand. 5

(2) The register shall at all reasonable times be open to inspection by the public.

Certificates of registration.
1912, No. 43,
s. 9;
1920, No. 45,
s. 5

10. The Director-General of Health shall, on application in that behalf made to him at any time by any registered plumber, issue to that person a certificate of 10 registration.

Registered plumbers to have annual licences.
1932-33, No. 45,
s. 16 (2), (3),
(5), (6),
and (8)

11. (1) In this section " year " means the period of twelve months beginning on the first day of April and ending with the thirty-first day of March next following.

(2) Notwithstanding anything to the contrary in 15 this Act, no person shall in any year be entitled to do any sanitary plumbing required by this Act to be done by a registered plumber unless he is the holder of an annual plumber's licence in respect of that year.

(3) Subject to the payment of the prescribed fee, 20 the Director-General of Health, on application made to him for that purpose by any registered plumber, shall issue to him an annual licence accordingly, and any such licence shall be in force during the year in respect of which it is issued: 25

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

(4) Any person who is entitled to receive an annual 30 licence under this section shall be deemed to have obtained the licence when he has duly applied to the Director-General of Health for it and paid the prescribed fee.

(5) A certificate under the hand of the Director- 35 General of Health that any person is or is not registered under this Act, or is or is not the holder of an annual licence under this section, or was or was not at any time so registered or the holder of such an annual licence, shall be conclusive evidence of the matters therein 40 referred to.

12. Any person aggrieved by any decision of the Board refusing to cause his name to be entered in the register, or by any decision of the Board removing his name from the register, may, within three months after
5 the refusal or removal, appeal in the prescribed manner to a Magistrate and two assessors, who may make such order as they think just, and any such order shall have effect accordingly. One of the assessors shall be appointed by the Board, and the other shall be appointed
10 by the appellant.

Appeals from refusal of Board to register. 1912, No. 43, s. 14

13. (1) The Director-General of Health may at any time, and shall if the Board so directs, send to any registered plumber, by registered letter addressed to him at his address as appearing in the register, an
15 inquiry as to whether or not he desires to have his name retained in the register.

Name may be removed from register if plumber cannot be found, &c. Ibid., s. 20A; 1950, No. 15, s. 3

(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 Director-
20 General of Health, the Director-General shall, if the Board so directs, remove from the register the name of the plumber to whom the letter was sent.

(3) If any registered plumber applies to the Director-General of Health to have his name removed
25 from the register, the Director-General shall, if the Board so directs, remove the name from the register accordingly.

(4) Any person whose name has been removed from the register in pursuance of this section may apply
30 to the Director-General of Health to have his name restored to the register, and on payment of the prescribed fee his name shall be restored to the register accordingly.

14. On the endorsement or cancellation by a local
35 authority of the licence of any registered plumber in pursuance of the by-laws of that local authority or otherwise, the local authority shall forthwith notify the Board of the endorsement or cancellation, and the Board may thereupon, in its discretion, cause the name of that
40 person to be removed from the register for such time as it thinks fit.

Removal of name from register. 1912, No. 43, s. 21

Inspector of
sanitary
plumbing must
be registered
or otherwise
qualified.
1912, No. 43,
s. 22

See Reprint
of Statutes,
Vol. VI, p. 1061

Ibid., p. 1118

Registered
plumbers not
required to pass
examination
prescribed by
local authority.
1912, No. 43,
s. 15

Conduct of
examinations.
Ibid., s. 17

15. (1) 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 as a sanitary inspector in accordance with any regulations for the time being in force under the Health Act 1920. 5

(2) Notwithstanding anything in the *last preceding* subsection, a local authority may continue to employ as an inspector of sanitary plumbing any person who on the seventh day of November, nineteen hundred and twelve (being the date of the passing of the Plumbers Registration Act 1912), was so employed by that local authority. 10

16. No registered plumber shall be required to pass any examination or to pay any licence fee under any by-law made by any local authority. 15

17. 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: 20

Provided that no examination shall be regarded as sufficient for the purposes of registration under paragraph (a) of subsection *one* of section *eight* of this Act unless it is at least equivalent to the plumber's examination in Grade II of the City and Guilds of London Institute: 25 30

(b) No such certificate shall be granted unless the candidate produces evidence to the satisfaction of the Board that he has served at least ten thousand hours as an apprentice, or has been engaged in the plumbing trade for not less than seven years. 35

General

18. All moneys recovered or received by or on behalf of the Board in the administration of this Act shall be paid into the Public Account as part of the Consolidated Fund.
19. All expenses incurred by or on behalf of the Board shall be payable out of moneys from time to time appropriated by Parliament for that purpose.
20. (1) Every person who does, or knowingly employs or permits any person to do, any sanitary plumbing in breach of this Act, or of any regulations made under this Act, shall be liable on summary conviction to a fine not exceeding twenty pounds.
- (2) Every person shall be liable on summary conviction to a fine not exceeding fifty pounds who, not being registered, engages in the trade of sanitary plumbing contrary to any regulations made under this Act, or who takes or uses or exhibits the name or title or description of a registered plumber (either alone or in combination with any other word or words), or any name, title, or sign calculated to induce the belief that he is registered.
21. Nothing in this Act shall interfere with the business or trade of—
- (a) Any person other than a registered plumber whose work is confined to plumbing other than sanitary plumbing; or
- (b) Any person other than a registered plumber whose work is conducted outside any district or locality prescribed by regulations made under paragraph (e) of section *twenty-three* of this Act.
22. 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.
23. The Governor-General may from time to time, by Order in Council, make regulations prescribing—
- (a) The subjects in which candidates for examinations under this Act may be examined;

Moneys received under Act payable into Public Account. 1912, No. 43, s. 18

Expenses of administration. Ibid., s. 19

Penalties for breaches of Act. Ibid., s. 20; 1932-33, No. 45, s. 16 (4)

Application of Act limited. 1912, No. 43, s. 23

Provisions as to reciprocity. Ibid., s. 24

Regulations. Ibid., s. 16; 1932-33, No. 45, s. 16 (7); 1950, No. 15, s. 2

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- (b) The fees payable in respect of examination and re-examination, and in respect of registration, certificates of registration, and the restoration of any name to the register; 5
 - (c) The fees payable for annual licences; 5
 - (d) The form of certificate of having passed any examination under this Act, and the form of certificate of registration;
 - (e) The districts or localities within which, after six months from the date of the coming into force within the district or locality of any such regulation, all sanitary plumbing shall be done by a person registered under this Act; 10
 - (f) The manner of conducting appeals from decisions of the Board under this Act; and 15
 - (g) Generally, for any other matter which is deemed by the Board necessary or expedient to give effect to this Act.

Repeals and savings.

See Reprint of Statutes, Vol. VIII, p. 568

24. (1) The enactments specified in the Schedule to this Act are hereby repealed. 20

(2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the repeal of any provision by this Act shall not affect any document made or any thing whatsoever done under the provision so repealed or under any corresponding former provision, and every such document or thing, so far as it is subsisting or in force at the time of the repeal and could have been made or done under this Act, shall continue and have effect as if it had been made or done under the corresponding provision of this Act and as if that provision had been in force when the document was made or the thing was done. 25 30

SCHEDULE

Schedule.

ENACTMENTS REPEALED

Section 24 (1)

1912, No. 43—

The Plumbers Registration Act 1912. (Reprint of Statutes,
Vol. VI, p. 1118.)

1932-33, No. 45—

The Finance Act 1932-33 (No. 2): Section 16.

1950, No. 15—

The Plumbers Registration Amendment Act 1950.

1951, No. 79—

The Fees and Travelling Allowances Act 1951: So much of
the Second Schedule as relates to the Plumbers Regis-
tration Act 1912.