



**THE CLERKS OF WORKS REGULATIONS 1945**

C. L. N. NEWALL, Governor-General

**ORDER IN COUNCIL**

At the Government House at Wellington, this 17th day of  
October, 1945

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Clerks of Works Act, 1944, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council and on the recommendation of the Clerks of Works Registration Board, doth hereby make the following regulations.

**REGULATIONS**

**PART I.—PRELIMINARY**

1. These regulations may be cited as the Clerks of Works Regulations 1945.
2. These regulations shall come into force on the 18th day of October, 1945.
3. (1) In these regulations, unless inconsistent with the context,—  
“ The Act ” means the Clerks of Works Act, 1944.  
(2) Expressions used in these regulations have, unless inconsistent with the context, the same meaning as in the Act.

**PART II.—FINANCIAL PROVISIONS**

4. The fees set out in the First Schedule hereto shall be payable in advance to the Secretary in respect of the matters therein specified.
5. (1) The Secretary shall pay all moneys received by him on behalf of the Board into the bank approved by the Board to the credit of the Clerks of Works Registration Board Account, referred to in subsection (3) of section 38 of the Act.  
(2) All cheques drawn on the Clerks of Works Registration Board 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 Secretary :  
Provided that cheques for payment into the Clerks of Works Registration Board Account may be endorsed by any one of such members of the Board as aforesaid alone or by the Secretary alone.

(3) No cheque shall be drawn on the Clerks of Works Registration Board Account, and no moneys of the Board shall be expended except pursuant to a resolution of the Board approving the payment and 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.

(4) The Secretary shall receive all fees, donations, and other moneys which may become due and payable to the Board, and give a consecutively-numbered receipt for the same upon a printed form, retaining a duplicate of such receipt.

6. The accounts of the Board shall comprise a balance-sheet showing the financial position of the Board at the 31st day of December in every year, together with a statement of income and expenditure and an itemized cash summary both covering the year ended on such 31st day of December.

7. Within one month after the accounts for any year have been audited by the Audit Office the Board shall hold a meeting to consider the accounts and the report of the Audit Office thereon.

#### PART III.—TRAVELLING EXPENSES, ALLOWANCES, AND FEES TO BOARD MEMBERS

8. The Board may pay to any member, not being an officer of the Public Service, for each day he is travelling or occupied in connection with the business of the Board a fee not exceeding £2 2s. for each such day or £2 2s. for each meeting.

9. The maximum fee which may be paid to any member for any one day shall not exceed £2 2s., notwithstanding that such member may have attended one or more meetings of the Board or of any Committee of the Board on such day.

10. The Travelling-allowance Regulations 1941\* shall apply to and be deemed to be incorporated in these regulations so as to relate to the Board and its members and also to an assessor appointed to represent the Board.

11. The subsistence allowance referred to in Regulation 4 of the Travelling-allowance Regulations 1941\* shall be at the rate of £1 5s. per diem.

#### PART IV.—REGISTRATION OF CLERKS OF WORKS

12. Application for registration as a Clerk of Works shall be made in duplicate to the Secretary in the form numbered 1 in the Second Schedule hereto, accompanied by the amount of the prescribed fee.

13. If any applicant for registration fails to satisfy the Board that he is entitled to be registered, one-half of the fee paid on the application for registration shall be refunded to him :

Provided that this regulation shall not apply to an application for restoration of a name to the Register or for any other alteration or addition to the Register.

14. The Register of Clerks of Works shall be kept in the form numbered 2 in the Second Schedule hereto.

15. The entries in the Register shall be made in the order in which the directions from the Board to make the entries are received by the Secretary.

16. The Secretary shall also keep an alphabetical index of the names of the persons entered in the Register, and such index shall be deemed to be a part of the Register.

\* Statutory Regulations 1941, Serial number 1941/149, page 486.

17. A direction of the Board to make entries in or remove names from the Register or to erase particulars from the Register, or otherwise to amend the Register, shall be sufficient if signed by the Chairman or Deputy Chairman and given pursuant to a resolution of the Board.

18. A certificate of registration of a registered Clerk of Works shall be in the form numbered 3 in the Second Schedule hereto.

19. If the Board is satisfied that any certificate of registration has been lost or destroyed, or if a certificate of registration is damaged or defaced and surrendered to the Board, the Board may direct that a substituted certificate enfacéd with the word "Duplicate" be issued to a registered Clerk of Works in lieu thereof on payment of the prescribed fee.

20. A copy of any entry in the Register certified to be such under the signatures of the Chairman and Secretary shall be *prima facie* evidence of such entry, and a certificate so signed of the absence of an entry in the Register shall be *prima facie* evidence of the facts stated in such certificate.

#### PART V.—APPEALS

21. The notice of appeal to be given under section 41 of the Act shall be in the form numbered 4 in the Second Schedule hereto, and shall specify the full name and postal address of the appellant and the grounds of the appeal and the name and full postal address of the person whom the appellant desires to be appointed to represent him as assessor, and such person shall give in writing his consent to act as assessor.

22. The Board shall, by resolution, select a person whom the Board desires to be appointed to represent it as assessor and who shall not be a member of that Board, and such person shall give in writing his consent to act as assessor.

23. The Secretary shall notify the Minister of the names of the persons whom the appellant and the Board desire to be appointed to represent them as assessors, and their full postal addresses respectively.

24. The constitution of the Board of Appeal shall be by warrant in writing under the hand of the Minister delivered to the Magistrate whom he appoints to be a member of the Board of Appeal, accompanied by the notice of appeal received by the Minister from the Secretary.

25. Any notice to be given by the Board of Appeal shall be sufficient if signed by the Magistrate or by any Clerk purporting to act by direction of the Magistrate, and service of any document of the Board of Appeal on any party or person shall be sufficient if such document is despatched by registered post to the person to be served at the postal address of such person notified as aforesaid, and shall be deemed to be served at the time when it would be delivered or available for delivery at its address in the ordinary course of registered post.

26. The Magistrate shall fix a convenient time and place for the hearing of the appeal, such time to be not more than twenty-one days after the receipt by the Magistrate of the warrant of the Minister constituting the Board of Appeal, and shall cause at least seven days' previous notice in writing of such time and place to be given to each assessor, the appellant, and the Board respectively.

27. Upon the hearing of any appeal the Board of Appeal may receive any evidence it thinks fit (whether on oath or otherwise), and may act on any statement, document, information, or matter which in the opinion of the Board of Appeal may assist it to deal with the matters before it, whether the same would be legally admissible in a Court of law or not.

28. The Magistrate shall be the presiding member of the Board of Appeal, and in matters not expressly provided for in the Act or these regulations the procedure of the Board of Appeal shall be such as the Magistrate may determine.

29. The Board of Appeal may from time to time adjourn the hearing for consideration or determination of the appeal as it thinks fit.

30. At the hearing of the appeal the appellant may appear in person and may be represented by any person as his advocate, and the Board may be represented by any one of its members or any other person appointed by the Board for that purpose.

31. The decision of the Board of Appeal shall be in writing signed by the members who concur their opinion, and in any case by the Magistrate; and the Magistrate shall cause copies thereof to be sent to the appellant and the Board respectively.

32. An assessor appointed by the Board may be paid such fee, not exceeding £2 2s., as may be considered reasonable by the Board for each day, or part of a day, he is engaged hearing an appeal or appeals, together with any sum that he may be entitled to under the Travelling-allowance Regulations 1941\* as incorporated in these regulations.

## SCHEDULES

### FIRST SCHEDULE

#### FEES

1. On application to be admitted to any examination—			
(a) If paid at least thirty days prior to the date of commencement of the examination	£	s.	d.
(b) If paid less than thirty days prior to the date of commencement of the examination	2	2	0
2. For a re-perusal of the answers to a written examination	1	1	0
3. On application for registration under section 19 (1) (a) of the Act (including issue of certificate)	0	10	6
4. On application for registration in any other case (including issue of certificate)	2	2	0
5. On application for restoration of name to Register after removal for any reason other than the application of the person registered	2	2	0
6. On application for restoration of name to Register after removal on the application of the person registered	1	1	0
7. On application for any other alteration or addition to the Register	0	10	6
8. For inspection of Register	0	5	0
9. For inspection of any other document kept by the Board and open to inspection	0	5	0
10. For a new certificate of registration issued after alteration of Register made under section 30 of the Act	0	10	6
11. For a duplicate certificate of registration	0	10	6
12. For a certified copy of any entry in the Register	0	10	6

Provided that no fee shall be payable for inspection of any Register, roll, or other document by an officer of the Government seeking inspection in the course of his duties.

\* Statutory Regulations 1941, Serial number 1941/149, page 486.

SECOND SCHEDULE

Form No. 1.

Clerks of Works Act, 1944

APPLICATION FOR REGISTRATION AS CLERK OF WORKS

I, [Insert full name], of [Insert place of abode, full postal address, and occupation], hereby make application for registration as a Clerk of Works; and I do solemnly and sincerely declare—

- (1) That I was born on the [Insert date, month, and year] at [Insert place of birth].
- (2) That I am of ..... nationality.
- (3) That I seek registration under paragraph (...) of subsection (...) of section 19 of the above-entitled Act, and that the qualifications entitling me to such registration are the following: [Set out full details. In case of applications falling under one of the paragraphs (b) and (c) of subsection (1), give particulars of operations in which applicant has had practical experience. Use separate sheet if necessary].
- (4) That for evidence that I am of good character and reputation, reference may be made to the following persons, viz.: [Set out names, addresses, and occupations].

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Justices of the Peace Act, 1927.

Signature of Applicant : .....

Declared at ....., this ..... day of ....., 19...

Justice of the Peace, Solicitor, or other person authorized to take statutory declarations.

NOTE.—If the application is made under subsection (2) of section 19, the written recommendations required by subsection (4) of section 19 must be attached.

Form No. 2.

Clerks of Works Act, 1944

REGISTER OF CLERKS OF WORKS

Registration No.	Name.	Postal Address.	Date of Registration.	Qualifications for Registration.

Form No. 3.

Clerks of Works Act, 1944

Registered No. ....

CERTIFICATE OF REGISTRATION AS A CLERK OF WORKS

THIS is to certify that ....., having satisfied the Clerks of Works Registration Board that he was entitled, pursuant to subsection .... of section 19 of the Act, to be registered, was, on the ..... day of ....., 19..., duly registered as a Clerk of Works.

Dated at Wellington, this ..... day of ....., 19...

....., Chairman.

....., Secretary.

NOTE.—This certificate remains the property of the Clerks of Works Registration Board, and must be surrendered on demand.

Form No. 4.

Clerks of Works Act, 1944

NOTICE OF APPEAL TO THE SECRETARY, CLERKS OF WORKS REGISTRATION BOARD  
I, THE undersigned, hereby give notice that I appeal against the decision of the  
Clerks of Works Registration Board given to me by the Secretary on the .....  
day of ....., 19.., in regard to: [*Here state subject of decision*].

My full name is :.....

My full postal address is :.....

I desire that the person appointed to represent me as assessor on the Board  
of Appeal be .....

His full postal address is :.....

Dated at ....., this ..... day of ....., 19 ..

*Signature of Appellant* : .....

I hereby consent to act as assessor for the purposes of this appeal.

*Signature of Assessor* : .....

**W. O. HARVEY,**  
Acting Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.  
Date of notification in *Gazette* : 18th day of October, 1945.  
These regulations are administered in the Department of Labour.