

“ ‘Industrial matters’ means any matters in relation to which a determination of a wages board has been made or in relation to which such a determination could be made either by a wages board that has been established under this Act or that could be so established:”.

**19** After section seventy-seven of the Principal Act the following section is inserted:—

Enforcement  
of decisions  
of compulsory  
conferences.

“78—(1) Where the person presiding at a conference convened in accordance with section seventy-seven is of the opinion, after considering the views expressed at the conference, that any things should be required to be done, or that any action should be required to be taken, for the purpose of preventing or settling the industrial dispute in respect of which the conference was convened, he may, by order in writing, direct that those things are to be done or that action is to be taken.

(2) No order under this section has effect so as to require any person to contravene any determination made by a board under this Act or to commit any offence, or to do any act which, if the order had not been made, would render him liable to any legal proceedings.

(3) No person shall contravene or fail to comply with any direction contained in an order made under this section.

Penalty: One hundred pounds.

(4) A person is not guilty of an offence under subsection (3) of this section in respect of any direction made under this section unless a notice containing a copy of that direction has been served on him.

(5) A notice under subsection (4) of this section may be served on a person by—

- (a) delivering it to him personally;
- (b) by leaving it at his place of abode or of business or employment with some person apparently an inmate thereof or employed thereat and apparently of or over the age of sixteen years; or
- (c) by post addressed to him at his usual or last-known place of abode or business or employment.”.

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## INSPECTION OF MACHINERY.

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No. 68 of 1960.

AN ACT to consolidate and amend the law relating to the inspection and regulation of machinery.

[19 December 1960.]

**B**E it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

## PART I.

## PRELIMINARY.

- 1** This Act may be cited as the *Inspection of Machinery Act 1960*. Short title.
- 2** The *Inspection of Machinery Act 1902* is repealed. Repeal.
- 3** In this Act, unless the contrary intention appears— Interpretation.
- “agriculture” includes running oxen, sheep, swine, and poultry, dairying, fruit growing, viticulture, hop growing, bee-keeping, market-gardening, and similar pursuits; 2 Edw. VII No. 11, s. 2.
- “boiler” means a boiler or vessel to which this Act applies as provided in section four, and includes—
- (a) the setting, fittings, and mountings;
- (b) the steam pipe or other pipe under pressure; and
- (c) the feed pump, injector, and other equipment necessary for the safety, of such a boiler or vessel;
- “Chief Inspector” means the Chief Inspector of Machinery appointed under section seven;
- “engine” means any contrivance for the production of power that is worked by steam, air, water, electricity, or any other source or form of energy;
- “inspector” means an inspector of machinery appointed under this Act;
- “machinery” means machinery to which this Act applies as provided in section four;
- “owner” means the person in possession of a boiler or machinery whether as owner, hirer, bailee, mortgagor, or mortgagee;
- “person in charge” means a person having the right to use or operate or to control the use or operation of a boiler or machinery;
- “premises” means any house, manufactory, mill, shop, shed, yard, farm, paddock, field, road, building, structure, or place in which any machinery is erected, kept, worked, or used, or is in operation.
- 4—**(1) This Act applies to— Application of Act.
- (a) all kinds of machinery worked by any form of power other than hand, treadle, wind, or animal power; and Cf. *ibid.*, ss. 2, 7, 7A, 60.
- (b) cranes worked by hand and animal power used for raising or lowering loads exceeding one ton, except as provided in subsection (3).
- (2) This Act applies to boilers and vessels in which and by means of which—
- (a) steam, air, other vapour, or a liquid of greater pressure than the atmosphere is used, other than the cylinders of engines and gas cylinders used for the storage or transport of compressed gases, for application to any engineering, industrial, or commercial processes or purposes; or

- (b) steam or other vapour is generated or air or other vapour is compressed for working any kind of machinery,

except as provided in subsection (3).

(3) This Act does not apply to—

- (a) engines or boilers used on or employed in the working of any railway or tramway worked on behalf of Her Majesty under the authority of any Act;
- (b) boilers and machinery used only for domestic purposes in private residences;
- (c) machinery used exclusively in agriculture, except as provided in subsection (4); and
- (d) engines, boilers, and machinery of any specified kind, class, or type that the Governor, on the recommendation of the Chief Inspector, by proclamation, exempts from the provisions of this Act.

(4) The Governor may prescribe classes, kinds and types of machinery used exclusively in agriculture to which this Act or specific provisions thereof shall apply, unconditionally or on specified conditions.

(5) A proclamation for the purposes of paragraph (d) of subsection (3) of this section may exempt from all or some specified provisions only of this Act and unconditionally or upon specified conditions.

Act to bind the Crown.

**5**—(1) This Act binds the Crown.

(2) For the purpose of this section the Minister responsible for the control of the person in charge of a boiler or machinery shall be deemed to be the owner of that boiler or machinery.

Ambit of Act with respect to "motor vehicles", &c.

**6**—(1) Machinery which is registered as a motor vehicle or a trailer as those expressions are defined in the *Traffic Act* 1925 is subject only to that Act in respect of its use on a public street as so defined.

(2) Where such machinery is both—

- (a) a crane, lifter, stacker, excavator, loader, scoop, prime-mover for separate machinery, or other contrivance; and
- (b) a vehicle to carry that contrivance,

and is subject to the *Traffic Act* 1925, it is subject to this Act as a vehicle in respect only of its use as a vehicle on the premises where it is used as a contrivance within the meaning of paragraph (a).

(3) In the case mentioned in subsection (2), if the provisions of this Act and the regulations hereunder are inconsistent with the *Traffic Act* 1925 and the regulations thereunder—

- (a) the former shall be complied with on the premises where the machinery is used as a contrivance within the meaning of paragraph (a) of that subsection; and

(b) the latter shall be complied with on public streets as defined by that Act, except in the case of road-making machinery, in respect of which the place where it is operating as such a contrivance shall be deemed to be the premises where it is used as such a contrivance and not such a public street.

(4) The exception contained in paragraph (b) of subsection (3) does not prevent the regulation under the *Traffic Act 1925* of road-making machinery so as to protect other users of such public streets.

## PART II.

### ADMINISTRATION.

**7**—(1) The Governor may appoint a duly qualified person to be the Chief Inspector of Machinery, and one or more duly qualified persons to be inspectors of machinery, for the purposes of this Act.

Governor may appoint inspectors of machinery.  
*Ibid.*, s. 3.

(2) Any person appointed an inspector of machinery may be so appointed in respect only of such particular class or classes of machinery as the Governor may think fit and as may be specified in the instrument of his appointment.

**8**—(1) Every inspector shall be furnished with a certificate in writing, under the hand of the Minister, to the effect that the inspector has been appointed to be an inspector of machinery under this Act; and, in the case of an inspector appointed in respect only of any particular class or classes of machinery, the certificate shall specify the class or classes of machinery in respect of which he has been so appointed.

Inspectors to be furnished with certificates of appointment.  
*Ibid.*, s. 4.

(2) When an inspector enters any premises for any of the purposes of this Act, he shall, if required, produce his certificate to the owner, occupier, or person in charge of the premises.

**9** Every inspector shall keep full records of all his proceedings under this Act, and the Chief Inspector shall at least once in every year, or oftener, if so required, report his proceedings to the Minister, with such particulars and information as the Minister may require.

Inspector to keep minutes and report to Minister.  
*Ibid.*, s. 6.

**10** The Minister shall provide the Chief Inspector with proper standards and tables of corrections by which all pressure-gauges and other instruments can at any time be compared and tested, and also with all other appliances necessary for carrying Part III into effect.

Minister to provide inspectors with standards.  
*Ibid.*, s. 27.

## PART III.

### INSPECTION OF MACHINERY AND BOILERS.

**11**—(1) The owner of—

(a) any machinery of one or more brake horsepower; or

(b) any machinery where the aggregate brake horsepower of all the machinery on the premises amounts to or exceeds one,

Persons possessing machinery to send notice to inspector.  
*Ibid.*, s. 2.

shall, within one month of becoming the owner thereof, send to an inspector a written notice, stating the name of the owner, the place or town where the machinery is erected, kept, or intended to be used, the nature and kind of machinery, and the nature and amount of the motive-power.

Penalty: Fifty pounds.

(2) Whenever any machinery ceases to be exempt from the provisions of this Act, the owner thereof shall, within one month from the date of the proclamation revoking the exemption, send to an inspector a notice as provided in subsection (1) of this section, and in default thereof is liable to a penalty of fifty pounds.

Frequency  
of inspection.  
*Ibid.*, s. 42  
(2).

**12** All boilers and machinery shall be inspected at least once a year, or oftener as occasion requires.

Powers and  
duties of  
inspectors.  
*Ibid.*, s. 17.

**13** An inspector may—

(a) enter into or upon any place where machinery or a boiler is—

(i) erected or placed or being or about to be erected or placed;

(ii) in use or working; or

(iii) kept,

at any reasonable time in the daytime, whether or not the machinery or boiler is in operation or use; and

(b) then and there inspect and examine the machinery or boiler and the appliances connected therewith or belonging thereto, in order that it may be ascertained whether the provisions of this Act have been complied with.

Inspector  
may require  
explanation  
of working of  
machinery.  
*Ibid.*, ss. 18,  
19.

**14**—(1) In making an inspection as provided in section thirteen, an inspector may require the owner or person in charge of the machinery or boiler to explain the working thereof.

(2) An owner or person in charge who fails to give information when duly required under this section is liable to a penalty of one hundred pounds.

Inspector  
to give  
certificates of  
inspection.  
*Ibid.*, s. 45.

**15** Where an inspector has inspected any boiler or machinery, and is satisfied, in the case of a boiler, that it is in good repair and may be safely used for the purpose for which it is then used, and, in the case of machinery, that it is securely fenced and guarded, he shall give to the owner of the boiler or machinery a certificate in accordance with form 1 in the first schedule.

Owner to  
produce  
certificate.  
*Ibid.*, s. 46.

**16** The owner of any machinery or boiler shall at all reasonable times produce for inspection the certificate of inspection granted to him under this Act to any person working at or with the machinery or boiler, and also to an inspector

and a police officer as defined in the *Police Regulation Act 1898*.

Penalty: Twenty-five pounds.

**17**—(1) On the first inspection of a boiler the inspector shall make and keep a complete record of all particulars which may be necessary to ascertain the state and condition of the boiler.

Procedure on first inspection of boilers. *Ibid.*, ss. 28, 39.

(2) The record shall contain particulars respecting the nature and construction of the boiler, the name of the maker, the pressure which the boiler is calculated to sustain, the mode of working it, and generally as to the state and condition thereof, and of all appliances used in connection therewith, and the fitness thereof for the particular purpose to which it is applied.

(3) The inspector shall furnish the owner of every boiler with a record number or mark for the boiler, and the owner shall thereupon cause that number or mark to be plainly stamped or legibly painted upon a conspicuous part of the boiler in such manner as the inspector may direct.

(4) No owner shall fail to comply with the provisions of subsection (3) of this section, and no person shall remove or obliterate the mark or number.

Penalty: Twenty-five pounds.

**18** On each subsequent occasion on which he inspects a boiler after the first inspection, the inspector shall carefully make a comparison with the standards mentioned in section ten, and shall record any changes which have occurred since the previous inspection; and if any change or alteration has been made in the boiler, or any repairs effected therein, he shall duly record them as prescribed; and if no change or no material change has occurred in the state and condition of the boiler, he shall also record the fact as prescribed.

Procedure on subsequent inspection. *Ibid.*, s. 29.

**19** An inspector may, in addition to any other tests that may be required, test any boiler by hydraulic pressure where he considers it necessary.

Inspector may test boiler by hydraulic pressure. *Ibid.*, s. 30.

**20** Every inspector shall keep such records as the Chief Inspector directs him to keep.

Inspector to keep records. *Ibid.*, s. 31.

**21**—(1) Not less than once in every year the Chief Inspector shall prepare and forward to the Minister a return of all boilers inspected under the provisions of this Act during the preceding year.

General abstract and report to be furnished by Chief Inspector. *Ibid.*, s. 33.

(2) A return for the purpose of this section shall be in the prescribed form and contain the prescribed particulars.

**22**—(1) An inspector who intends to inspect a boiler shall give the owner thereof at least fourteen clear days' notice in writing of the time at which the inspection is to be made.

Time of inspection of boilers. *Ibid.*, ss. 34, 35.

(2) Inspection of boilers shall be made so as not to impede unnecessarily the working or use of any boiler, unless the inspector sees fit to exercise the powers conferred on him by section twenty-three.

Owner or person in charge to assist inspector.  
*Ibid.*, s. 36.

**23** The owner or person in charge of a boiler to be inspected shall—

- (a) afford to the inspector all reasonable facilities for his inspection, and all such information as may reasonably be required of him;
- (b) previously arrange that, at the time of inspection—
  - (i) the boiler shall be empty and cool, and shall have been cleaned inside and outside;
  - (ii) fire-flues shall have been swept clean;
  - (iii) fire-bars and fire-bridges shall have been removed; and
  - (iv) blow-off and other cocks shall have been cleared for the purpose of examination;
- (c) if required by the inspector, cause any brickwork or masonry in contact with the boiler to be removed; and
- (d) during the inspection keep the boiler effectively disconnected from any steam or hot-water communication with any other boiler.

Penalty: One hundred pounds.

Owner effecting repairs in or altering boiler to give notice to inspector.  
*Ibid.*, s. 41.

**24** Whenever the owner of a boiler has effected any repairs (not being repairs directed by an inspector to be effected) to a boiler, or has added to or taken away from a boiler any fittings or appliances of any kind, or in any manner altered the construction thereof, he shall forthwith give notice thereof to the inspector.

Penalty: Fifty pounds.

Where boiler or machinery sold, notice to be given to inspector.  
*Ibid.*, s. 49.

**25** Whenever any boiler or machinery attached thereto is—

- (a) sold or absolutely disposed of;
- (b) let to hire; or
- (c) returned to the owner after having been let to hire,

the owner, seller, or lessor, as the case may be, shall within seven days give notice to an inspector, stating the name, occupation, and abode of the person to whom the sale, letting, or disposition was made.

Penalty: Twenty-five pounds.

## PART IV.

## SAFETY OF MACHINERY.

**26** No owner or person in charge of a self-acting machine shall permit the traversing carriage of the machine to run out within a distance of eighteen inches from any fixed structure, not being part of the machine, if the space over which it so runs out is a space through which any person is likely to pass.

Traversing carriage of self-acting machine.  
*Ibid.*, s. 9.

Penalty: Fifty pounds.

**27** Every owner and person in charge of machinery shall comply with the following provisions:—

Certain places, &c., to be fenced.  
*Ibid.*, s. 10.

(a) Every hoist or tackle near to which any person is likely to pass or to be employed shall be securely fenced;

(b) Such—

(i) doorways above the ground level;

(ii) vats, pans, or structures;

(iii) stairways, stagings, or places,

as are certified as dangerous by an inspector shall be securely fenced; and

(c) All fencing shall be constantly maintained in an efficient state while the parts required to be fenced are in motion or use for the purpose of any manufacturing, industrial, or commercial process.

Penalty: Fifty pounds, and (if an inspector has served on the owner a notice of the breach of this section) a further daily penalty of five pounds.

**28**—(1) An owner and a person in charge of machinery shall not—

Restrictions regarding employment of children and young persons.  
*Ibid.*, s. 11.

(a) employ or permit a person under the age of fourteen years to work or assist in working at or with any machinery;

(b) while any particular machinery or class of machinery prescribed as dangerous is in operation or capable of being started employ or permit a person under the age of sixteen years to work at or on it; or

(c) allow a person under the age of eighteen years to clean any part of the gearing of any machinery while it is in motion.

Penalty: Eighty pounds.

(2) Nothing in paragraph (a) of subsection (1) of this section applies to persons working or assisting in working at or with machinery under instruction at—

(a) a State school as defined by;

(b) a school controlled by the Department within the meaning of; or

(c) a school registered under Part IV of, the *Education Act 1932*.



Operation and  
control of  
certain  
machinery.  
*Ibid.*, s. 12.

**29**—(1) A person shall not operate or be in charge or control of a winding engine or electric winding gear used for mining purposes or any boiler used in connection therewith unless he—

- (a) is a male of at least twenty-one years of age; and
- (b) holds a certificate of competency of the appropriate prescribed class, under this Act, or a certificate of service granted under an Act in force on the thirty-first day of December 1902.

(2) An electric motor situated underground in any mine and used for mining purposes shall—

- (a) not be left unattended while it is at work; and
- (b) while at work, be continuously in the charge or control of, and be operated by, a male of at least eighteen years of age, who holds a certificate of competency of the appropriate class under this Act.

(3) Except as provided in subsection (4), a person shall not operate or be in charge or control of a winch or similar appliance used for hauling purposes, whether driven by steam, air, electricity, or other motive power, or by machinery, unless he—

- (a) is a male of at least eighteen years of age; and
- (b) holds a certificate of competency of the appropriate prescribed class under this Act, or a certificate of service granted under an Act in force on the thirty-first day of December 1902.

(4) A winch approved by the Chief Inspector for the purposes of this subsection may be operated and in the charge of or controlled by a male person of at least eighteen years of age and who does not hold a certificate of competency of the appropriate prescribed class if the load is in his sight at all times.

(5) A person shall not operate or be in charge or control of an engine or boiler other than an engine or boiler of a kind referred to in subsections (1), (2), and (3) of this section unless he—

- (a) is a male of at least eighteen years of age; and
- (b) holds a certificate of competency of the appropriate prescribed class under this Act or a certificate of service under an Act in force on the thirty-first day of December 1902 or is authorized to do so by a permit under subsection (7) of this section.

(6) Subsection (5) of this section does not apply to—

- (a) a boiler which is operated solely by electric power and is equipped with automatic safety devices approved by the Chief Inspector on the recommendation of the Hydro-Electric Commission;
- (b) a lift which is equipped with automatic safety devices and controls approved by the Chief Inspector on the recommendation of the Hydro-Electric Commission;

- (c) an electric motor which is equipped with automatic safety devices connected to a machine without line shafting and operated by means of push button controls approved by the Chief Inspector on the recommendation of the Hydro-Electric Commission; or
- (d) a stationary or portable internal combustion engine with a cylinder area or total cylinder area of not more than one hundred and twenty square inches, other than a locomotive for hauling passengers or goods.

(7) An inspector may issue a permit in writing to any male person of at least eighteen years of age authorizing him to operate or be in charge or control of an engine or boiler not exceeding eight nominal horsepower on being satisfied of that person's experience or aptitude and that he is not otherwise unfit, and that to have such a person so authorized is reasonably required for continuity of work at his place of employment.

(8) Any such permit—

- (a) may at any time be suspended or cancelled by the inspector granting it or by the Chief Inspector; and
- (b) shall be cancelled by the Chief Inspector if the holder, on obtaining sufficient actual working time for a certificate of competency fails within one month to obtain a certificate of competency of the appropriate prescribed class.

(9) Machinery of the kinds mentioned in subsections (1) to (5) of this section shall, while in operation, be in the charge or control of a person who not only may lawfully operate it, but who—

- (a) in the case of a steam engine, is within sight and hearing of the engine;
- (b) in the case of a boiler of eight nominal horsepower or less used solely for heating or sterilizing in a manufacturing process, is at all times within safe distance of the boiler; and
- (c) in the case of any other boiler, can while the boiler is operating see the water in the glass and read the pressure gauge.

(10) Notwithstanding the provisions of paragraph (c) of subsection (9) of this section, in the case of a boiler equipped with automatic controls and safety alarms approved by the Chief Inspector the person in charge or control thereof may be out of sight of the glass and the pressure gauge for limited periods.

(11) For the purposes of this section safe distances and limited periods shall, in the event of a dispute, be determined by an inspector in writing and noted by him on the relevant certificate of inspection.

(12) No person shall—

(a) knowingly employ any person contrary to; or

(b) contravene,

any of the provisions of this section.

Penalty: Twenty-five pounds.

No person to work between fixed and traversing part of machine whilst in motion.

*Ibid.*, s. 13.

**30** No person shall be allowed to work between the fixed and traversing part of any self-acting machine while the machine is in motion by the action of gas, steam, water, or other mechanical power.

Penalty: Eighty pounds.

Certificates of competency for persons in charge of machinery.

*Ibid.*, s. 15.

**31**—(1) The Chief Inspector shall examine, in such mode as he deems fit or as may be prescribed, persons who apply to him for a certificate of competency of any prescribed class to take charge or control of any machinery; and shall, upon being satisfied that any such person has the requisite knowledge and experience to entitle him to be entrusted with the charge or control of any such machinery as aforesaid, and upon payment of the fee prescribed, grant to such person a certificate of competency of the appropriate prescribed class.

(2) The Chief Inspector may authorize and direct any inspector to examine any person applying for a certificate of competency of any prescribed class, and, upon being satisfied from the report of that inspector that that person is entitled, shall, upon payment of the prescribed fee, grant a certificate of the appropriate prescribed class to that person.

(3) Certificates of competency under this Act shall be of such classes as may be prescribed, authorizing the holders thereof respectively to operate, or have charge or control of, such classes of boilers or machinery, or both, as are prescribed in respect of each class of certificate.

(4) Notwithstanding any other provision of the Act, where it appears to the Chief Inspector that the experience of any person applying for a certificate of competency of any prescribed class under this Act has been confined to any particular boiler or machinery or class of boiler or machinery he may, pending the obtaining by that person of such qualifications as may be necessary to entitle him to the grant of a certificate of competency of any class, grant to that person a restricted certificate of competency, authorizing that person to operate, or to have charge or control of, the particular boiler or machinery or class of boiler or machinery specified in the certificate, and any such restricted certificate shall be endorsed accordingly, as prescribed, and shall remain in force until revoked by the Chief Inspector.

(5) For the purposes of section twenty-nine, a restricted certificate of competency under subsection (4) of this section so long as it remains in force, shall, in respect of the boiler or machinery or class of boiler or machinery to which it relates

(but not otherwise), be deemed to be a certificate of competency of the appropriate prescribed class, and the provisions of that section shall be construed accordingly.

(6) There shall be payable in respect of the granting of certificates of competency under this section such fees as may be prescribed, and different fees may be prescribed in respect of different classes of certificates.

**32**—(1) A person holding a certificate of competency under this Act of any prescribed class or a certificate of service under any Act in force on the thirty-first day of December 1902, and who is charged with any offence or misconduct likely to be detrimental to the proper or efficient discharge of his duties, or is, by reason of incompetency or gross negligence, unfit to discharge his duties, or has been convicted of any offence against this Act, may be called upon by the Chief Inspector to show cause why he should not be disqualified from holding a certificate of competency of that class or of service; and if he fail to satisfy the Chief Inspector he may, by an order of the Minister published in the *Gazette*, be disqualified for any period specified in the order from holding a certificate of competency of that class or of service.

Disqualifica-  
tion of  
engine drivers,  
&c.  
*Ibid.*, s. 16.

(2) Any such person shall, after such an order, deliver into the charge of an inspector his certificate of competency or of service, which shall be forwarded through the Chief Inspector to the Minister, and which shall be detained during the period of disqualification, and no such person shall, during the period of disqualification, operate, or be in charge or control of, any boiler or machinery which that certificate authorized him to operate.

(3) Any person who fails, or neglects, or refuses to deliver up his certificate as provided in subsection (2) of this section within seven days after the gazettal of the Minister's order is liable to a penalty of twenty-five pounds.

(4) If a person who has been disqualified under the provisions of this section is dissatisfied with the decision of the Minister, he may, within seven days after the publication of the order, give notice in writing to the Minister that he requires an inquiry.

(5) Upon the Minister's receipt of the notice, the Governor may appoint a police magistrate and two assessors of skill and experience in the working of machinery, to sit as a court of inquiry, at such time and place as the Governor appoints, for the purpose of inquiring as to the disqualification.

(6) The police magistrate so appointed shall be chairman of the court of inquiry, and shall have the same power to summon and compel the attendance of witnesses, and to regulate the proceedings at any investigation held by the court as he would have in respect of the hearing of any proceeding under the *Justices Procedure Act 1919*.

(7) The court of inquiry shall hear all evidence for or against the disqualification and may uphold the order of the Minister, or may set it aside or modify it on such terms as to costs or otherwise, or may make such other order as it shall think fit, and the finding of the court of inquiry shall be published by the Minister in the *Gazette*, and if the order of the Minister is set aside the certificate shall be forthwith returned to the person entitled thereto.

Inspector to give notice of what part of machinery is dangerous.

*Ibid.*, ss. 20, 21, 22.

**33**—(1) Whenever an inspector is of opinion that any machinery, which he deems likely to cause bodily injury to any person engaged in the working thereof, or to any person passing near, is not securely fenced or otherwise sufficiently guarded, he shall give notice in writing to the owner, specifying the part of the machinery he considers dangerous, in accordance with form 2 in the first schedule.

(2) If the owner does not, within a period of ten days from the service upon him of the notice, comply with the terms thereof, or if he does not within the time limited by subsection (3) make application in writing for referring the question of fencing the machinery to which the notice refers to the decision of a police magistrate, or two justices, he is liable to a penalty of one hundred pounds.

(3) At any time within seven days after the owner has received a notice under subsection (1) of this section, he may serve on the inspector a written notice to refer the state of the machinery to which the notice relates to the decision of a police magistrate, or two justices, and, if the opinion of the police magistrate, or the two justices, is that it is unnecessary or impossible to fence the machinery alleged to have been dangerous, the inspector, on receipt of a notification to that effect from the police magistrate, or the two justices, shall cancel the notice, and the expenses of the reference shall be paid as other expenses under this Act; but if the decision of the police magistrate, or the two justices, is that it is necessary and possible to fence that machinery, then the expenses of the reference shall be paid by the owner, and shall be recoverable in the same way as penalties are recoverable under this Act.

(4) If the opinion of the police magistrate or the two justices is that it is possible and necessary to fence the machinery, the owner shall forthwith well and securely fence and protect that machinery in a proper and substantial manner; and if the owner, for a period of one month after the service upon him of a notice from the inspector in accordance with form 3 in the first schedule, neglects or fails so to fence and protect the machinery, he is liable to a penalty of one hundred pounds.

Dangerous grindstones not to be used.

*Ibid.*, s. 23.

**34** No person shall use, or permit to be used, any grindstone worked by mechanical power, which an inspector has certified to be so faulty or so fixed as to be dangerous.

Penalty: Fifty pounds.

**35**—(1) Where any machinery or any appliance or contrivance connected to or used therewith is in the opinion of an inspector—

Dangerous machinery.

- (a) so faulty or defective in any part; or
- (b) so dangerous,

as to be likely to cause death or bodily injury to any person the inspector may serve notice in writing to that effect upon the owner of the machinery in accordance with form 2 in the first schedule.

(2) By a notice under subsection (1) of this section the inspector shall require the owner—

- (a) to desist entirely from working or using the machinery or the appliance or contrivance from a date to be stated in the notice until certain repairs or alterations to be stated in the notice have been effected; or
- (b) to have the arrangement of the machinery, appliance, or contrivance altered, or the faulty or defective part thereof repaired or renewed, within a certain time to be stated in the notice.

(3) An owner who fails to comply with a notice under this section is liable to a penalty of one hundred pounds.

## PART V.

### SAFETY OF BOILERS.

**36**—(1) If upon an inspection it appears to an inspector that a boiler is unsafe, or that it would be dangerous to life or property if a boiler were to continue to be used in its then state, the inspector may give the owner of the boiler a notice in writing in accordance with form 4 in the first schedule.

Notice to desist from using boiler.  
*Ibid.*, s. 40.

(2) The notice may either require the owner—

- (a) to desist entirely from working or using the boiler until the repairs or alterations specified in the notice have been effected; or
- (b) to desist from working or using the boiler, except at a maximum pressure to be stated in the notice, until any repairs or alterations mentioned in the notice have been effected.

(3) If a person upon whom a notice under this section has been served fails to desist from working the boiler according to the exigency of the notice, he is liable to a penalty of one hundred pounds.

## PART VI.

## OFFENCES.

Inspector to give notice of intention to make certain complaint.  
*Ibid.*, s. 53.

**37** Where an inspector intends to make a complaint against any person for a breach of any of the provisions of sections twenty-eight, twenty-nine, or thirty, he shall, before doing so, give to that person seven days' previous notice in writing of his intention so to do.

Obstructing inspector.  
*Ibid.*, s. 19.

**38** No person shall wilfully impede an inspector in the execution of any part of his duty under this Act.

Penalty: One hundred pounds.

Working boiler, &c., without certificate.  
*Ibid.*, s. 47.

**39** No owner of any boiler or machinery shall work it, or cause it to be worked, without having had it inspected in accordance with the provisions of this Act.

Penalty: Fifty pounds.

Boiler to be disconnected if any person enters it.  
*Ibid.*, s. 37.

**40** No owner or person in charge of a boiler shall, while any person with his consent or by his direction enters into or remains in the boiler, fail to keep the boiler effectively disconnected from any steam or hot-water communication with any other boiler.

Penalty: One hundred pounds.

Increasing pressure beyond that at which safety-valve blows off.  
*Ibid.*, s. 38.

**41**—(1) Any person who by any means knowingly or wilfully does anything to increase, or which tends to increase, the pressure on the safety-valve of a boiler beyond that stated in the subsisting certificate in respect thereof to be the pressure at which the safety-valve blows off, or procures that pressure to be increased, is liable to a penalty of two hundred and fifty pounds, or six months' imprisonment.

(2) The person in charge of a boiler at the time such increased pressure is discovered, or who, finding the boiler with the pressure on the safety-valve thereof beyond that stated in the certificate, allows the pressure to continue, shall be *prima facie* deemed to have committed an offence within the meaning of this section.

Removal of guards.

**42**—(1) No person shall damage or remove any guard, fence, or other protection placed, erected, or maintained in pursuance of any provision of this Act or any notice or direction of an inspector.

Penalty: Fifty pounds.

(2) A person working a machine shall maintain in position any fence, guard, or other protection placed, erected, or maintained in pursuance of any provision of this Act or of any notice or direction of an inspector.

Penalty: Fifty pounds.

**43**—(1) The owner of a boiler in respect of which an offence has been committed against this Act, and for which a pecuniary penalty may be imposed, shall in every case (except as provided in section forty-four) be presumed to have committed the offence, and shall be liable to pay the penalty.

Owner liable to penalty in first instance.  
*Ibid.*, s. 50.

(2) An owner against whom an inspector has proceeded is entitled, upon complaint against any agent, servant, or workman by the owner, to have that agent, servant, or workman brought before the justices at the time appointed for hearing the proceedings against the owner, and if, after the commission of the offence has been proved, the owner proves to the satisfaction of the justices that he had used due diligence to enforce the provisions of this Act, and that the agent, servant, or workman had committed the offence without the knowledge, consent, or connivance of the owner, the agent, servant, or workman shall be convicted of the offence, and pay the penalty instead of the owner.

**44** Where it appears to an inspector at the time of discovering an offence that the owner had used all due diligence to enforce the provisions of this Act, and also by what person the offence has been committed, and also that it had been committed without the personal knowledge, consent, or connivance of the owner, and in contravention of his orders, then the inspector may proceed against the person whom he believes to be the actual offender in the first instance, without first proceeding against the owner.

Actual offender may be proceeded against in first instance in certain cases.  
*Ibid.*, s. 52.

## PART VII.

### MISCELLANEOUS.

**45**—(1) The owner of any machinery or boiler shall pay to the Secretary for Labour the fees prescribed in the second schedule.

Fees for inspection.  
Cf. *ibid.*, s. 42.

(2) The Governor may diminish the amount of such fees by regulation.

(3) The fee for inspection of a boiler or machinery shall be payable in respect of its annual inspection, and no fee is payable for inspections at other times.

**46**—(1) Every inspector shall every month supply to the Secretary for Labour the names and residences of the owners of all boilers and machinery which have been inspected during the immediately preceding month, and the amount of fees payable by each owner thereof respectively.

Recovery and appropriation of fees.  
*Ibid.*, ss. 56, 57.

(2) The Secretary for Labour shall, as soon as practicable, send to every such owner a demand in writing, by post, for the amount of the fees payable by him.

(3) Fees not paid within thirty days of demand may be recovered in accordance with the *Justices Procedure Act 1919* upon the complaint of an inspector or other person appointed by the Minister to collect them.



(4) All fees payable under this Act shall be paid into the Consolidated Revenue.

Service of notices.  
*Ibid.*, s. 44.

**47**—(1) A notice, order, or other document required under this Act to be served upon any person may be served—

- (a) by delivering it to that person;
- (b) by leaving it at his usual or last known place of abode or of business; or
- (c) by posting it by certified mail addressed to him at his usual or last known place of abode or business.

(2) Where a notice, summons, or other process is required to be served upon an owner under this Act, service on the manager, foreman, or agent of that owner is sufficient service.

Owner's name to be affixed to portable machinery.  
*Ibid.*, s. 48.

**48** Every portable steam-engine or boiler, or other portable machinery, that is travelled for hire, shall have the name and residence of the owner thereof legibly affixed or painted thereon.

Penalty: Twenty-five pounds.

Notice of accidents.  
*Ibid.*, s. 54.

**49**—(1) Where loss of life or bodily injury to any person by reason of—

- (a) the explosion of a boiler; or
- (b) an accident caused by—
  - (i) defective;
  - (ii) inadequate or faulty fences or guards on, or protection of;
  - (iii) absence of fences or guards on; or
  - (iv) negligent or wrongful operation of, machinery,

has happened in any premises, the owner of the boiler or machinery shall, within twenty-four hours thereafter, send notice in writing under his hand to the inspector nearest to the place where the accident happened specifying therein the cause of the accident, and shall cause the notice to be delivered at the office or usual place of residence of the inspector.

Penalty: One hundred pounds.

(2) The inspector shall forthwith investigate the cause of the explosion or accident, and report his conclusions to the Chief Inspector.

(3) The owner, the person in charge of the boiler or machinery at the time of the explosion or accident, and all persons working or employed on the premises at or before that time shall answer all questions of the inspector relevant to his investigation.

Penalty: One hundred pounds.

**50**—(1) The justices imposing any penalty under this Act may, if they think fit, direct that a part not exceeding one moiety thereof shall be applied to compensate any person for any bodily injury or damage which he may have sustained by reason of the default in respect of which the penalty is imposed.

Application  
of penalties.  
*Ibid.*, s. 49.

(2) Subject to any such direction, all penalties under this Act shall be paid and applied according to law.

**51** No fees are payable by an inspector in respect of any proceedings under this Act.

No fees  
payable by  
inspectors in  
proceedings  
under this  
Act.

*Ibid.*, s. 59.

Regulations.  
*Ibid.*, s. 58.

**52**—(1) The Governor may make regulations—

- (a) prescribing the method of reckoning the horsepower of boilers, steam, air, and internal combustion engines, and electric motors;
- (b) prescribing and regulating the design, construction, fitting, location, erection, installation, setting, alteration, repair, maintenance, operation, and use of—
  - (i) boilers;
  - (ii) cranes;
  - (iii) escalators;
  - (iv) fork-lift trucks;
  - (v) hoists;
  - (vi) lifts; and
  - (vii) stacking machines;
- (c) prescribing the qualifications necessary for appointment as an inspector;
- (d) prescribing the qualifications necessary to entitle persons to the grant of a certificate of competency of any prescribed class (including an engine-driver's and a boiler-welder's certificate) and regulating the examination of candidates for any such certificate;
- (e) regulating the proceedings upon references to police magistrates, or two justices, and the manner of defraying, and the recovery of, the costs and expenses thereof,

and generally for the purposes of this Act.

(2) The regulations may provide for and prescribe the steps that shall be taken and the safeguards that shall be provided for the protection of persons using, or working in the vicinity of, any specified class of machinery; and the persons by whom they shall be taken, provided, and maintained as prescribed.

(3) The regulations may regulate and control the welding of boilers and may prohibit the use of any process of welding in the manufacture, alteration, or repair of the main structure of any boiler by any person unless he is—

- (a) the holder of a permit granted by the Chief Inspector, or is the holder of such certificate of competency, or the possessor of such other qualifications (if any) as may be prescribed; or

(b) under adequate supervision by a person who is the holder of any such permit or certificate, or is the possessor of such qualifications (if any).

(4) The regulations may require the holders of any prescribed class of certificate of competency under this Act or of any certificate of service under an Act in force on the thirty-first day of December 1902 to undergo, in such cases as may be prescribed, such periodical and other medical examinations as may be prescribed, and may prohibit the operation, or the having of the charge or control, of boilers or machinery of any class specified in the regulations by any person who fails to undergo any such medical examination in accordance with the regulations or who, upon any such medical examination, is certified, as prescribed, as being medically unfit to operate, or to have charge or control of, any such boiler or machinery.

(5) Any regulations made under this Act may adopt, either wholly or in part and either specifically or by reference, any of the standard codes, rules, or specifications of any person, association, or authority specified in the regulations relating to the design, construction, fitting, location, erection, installation, setting, alteration, repair, maintenance, operation, or use of—

- (a) boilers;
- (b) cranes;
- (c) escalators;
- (d) fork-lift trucks;
- (e) hoists;
- (f) lifts; and
- (g) stacking machines.

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## THE FIRST SCHEDULE.

Form 1.  
(Section 15.)

This is to certify that I have this day inspected the machinery [*or boiler*] mentioned at the foot hereof, and that I consider the same [*in the case of machinery, say, is properly fenced and protected in the parts thereof which appear to me to require fencing or protection*] [*where a boiler is inspected, say, is in good repair and fit to be used for the purposes stated below*].

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_ .

A.B.,  
Inspector of Machinery.

### DESCRIPTION OF MACHINERY [*or BOILER*].

Nature of machine [*or boiler*].

Motive power [*or pressure of boiler*].

Maker's name.

Purpose for which used.

Owner's name [*if a hirer, bailee, or temporary owner, it should be so stated*].

Other particulars [*if any, stating whatever may be necessary to identify the machine or boiler*].

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## Form 2.

(Sections 33 and 35.)

To [name of owner], of

I HEREBY give you notice that the following parts of the [here name and describe the machine and the parts requiring to be guarded] in your possession at \_\_\_\_\_ appear to me to be dangerous and likely to cause bodily injury to persons working or employed therewith, or to persons passing near, and I am of opinion that the same ought to be [here describe the work required, adding in a proper case] AND I HEREBY require you on and from the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, to desist entirely from working or using [the machinery, appliance, or contrivance] until the aforesaid things have been done.

And I hereby further inform you that this notice is given under the Inspection of Machinery Act 1960.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
A.B.,  
Inspector of Machinery.

## Form 3.

(Section 33.)

To [name of owner], of

I HEREBY give you notice that \_\_\_\_\_, esquire, a Police Magistrate [or esquires, justices of the peace,] acting in the matter of a certain notice given by the Inspector of Machinery to you on the \_\_\_\_\_ day of \_\_\_\_\_ last [or instant], having decided that it is necessary and possible to fence the machinery in such notice mentioned, I DO HEREBY REQUIRE you forthwith to cause the same to be fenced and protected in the manner required by the said notice: AND I HEREBY further give you notice that by the Inspection of Machinery Act 1960 it is provided that if, after receiving this notice, you neglect or fail to fence the above-mentioned machinery you will be liable to a penalty of one hundred pounds. This penalty is over and above any liability you may incur to any person injured by such neglect.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
A.B.,  
Inspector of Machinery.

## Form 4.

(Section 36.)

To [name of owner], of

I HEREBY give you notice that I have this day inspected a boiler attached to [here describe boiler], and that the same appears to me to be dangerous, and to require repairs [or is in such a dangerous state that it is unsafe to life and property to use the same]. You are therefore hereby required to cause repairs to be effected in such boiler in the following particulars:—[Here specify repairs to be effected.] And you are hereby further required in the meantime, and until such repairs shall be effected, to desist entirely from using or suffering the said boiler to be used [or if it is to be partially used, state particulars fully].

This notice is given under the provisions of the Inspection of Machinery Act 1960.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
A.B.,  
Inspector of Machinery.

## THE SECOND SCHEDULE.

(Section 46.)

## INSPECTION FEES.

## PART I—PRESSURE VESSELS (OTHER THAN BOILERS AND STEAM JACKETED VESSELS).

	£	s.	d.
For every pressure vessel not exceeding 3 nominal horsepower .....	0	15	0
For every pressure vessel capable of working over 3 nominal horsepower, and not exceeding 10 nominal horsepower .....	1	5	0

	£	s.	d.
For every pressure vessel capable of working over 10 nominal horsepower, and not exceeding 14 nominal horsepower ....	1	10	0
For every pressure vessel capable of working over 14 nominal horsepower, and not exceeding 16 nominal horsepower ....	2	0	0
For every pressure vessel capable of working over 16 nominal horsepower, and not exceeding 20 nominal horsepower ....	2	10	0
For every pressure vessel capable of working over 20 nominal horsepower, and not exceeding 25 nominal horsepower ....	3	10	0
For every pressure vessel capable of working over 25 nominal horsepower .....	5	0	0
For every vulcanizer used under pressure for trade purposes	0	5	0

## PART II—BOILERS.

	£	s.	d.
For every boiler not exceeding 3 nominal horsepower ....	1	10	0
For every boiler capable of working over 3 nominal horsepower, and not exceeding 10 nominal horsepower ....	2	0	0
For every boiler capable of working over 10 nominal horsepower, and not exceeding 14 nominal horsepower ....	2	10	0
For every boiler capable of working over 14 nominal horsepower, and not exceeding 16 nominal horsepower ....	3	0	0
For every boiler capable of working over 16 nominal horsepower, and not exceeding 20 nominal horsepower ....	3	10	0
For every boiler capable of working over 20 nominal horsepower, and not exceeding 25 nominal horsepower ....	4	0	0
For every boiler capable of working over 25 nominal horsepower, and not exceeding 30 nominal horsepower ....	5	10	0
For every boiler capable of exceeding 30 nominal horsepower, and not exceeding 60 nominal horsepower ....	7	0	0
For every boiler capable of exceeding 60 nominal horsepower, and not exceeding 100 nominal horsepower ....	8	0	0
For every boiler capable of exceeding 100 nominal horsepower .....	9	0	0

## PART III—DIGESTERS.

For a single digester having a capacity of—	£	s.	d.
(a) less than 50 cubic feet .....	1	10	0
(b) more than 50 cubic feet .....	3	0	0

## PART IV—STEAM JACKETED VESSELS.

	£	s.	d.
For a single steam jacketed pan of any capacity .....	0	10	0

## PART V—MISCELLANEOUS.

	£	s.	d.
For every inspection of a goods lift or escalator .....	2	0	0
For every inspection of a passenger lift .....	3	0	0
For every inspection of any machinery not elsewhere specified	0	10	0
For every survey of the designs, plans, and specifications of a boiler .....	2	0	0
For every survey of the designs, plans, and specifications of a pressure vessel .....	1	0	0

NOTE.—In this schedule “boiler” means a boiler as defined in section 3 in which water is turned into steam, and “pressure vessel” means any other boiler as so defined that is not a steam jacketed vessel.