

Interpretation and Application of Amusement Devices Regulations 1978.

As applied to Ride-on Miniature Railways operated by Hobby Clubs.

Introduction

This guidance document provides practical advice for the interpretation and application of the Amusement Devices Regulations (ADR) to the operation of ride-on miniature railways operated by hobby clubs.

Definition

This guidance document applies to the following machinery operated by miniature railway hobby clubs primarily for the entertainment of club members where that machinery is also incidentally used to provide rides to members of the public:

- miniature railways with a rail gauge of 62 to 185mm (2½ to 7¼ inch) and limited to a train speed of no more than 10 to 15 kph.
- similar miniature machinery, such as model traction engines, which do not operate on a fixed track and limited to a walking pace speed (~5kph).

It does not apply to the following machinery being operated as an amusement device:

- similar sized miniature railways operated purely for commercial purposes
- other similar sized privately owned machinery
- larger railways.

Purpose

The purpose of the ADR is to ensure that amusement devices can be erected and operated without danger to persons operating the device or in the vicinity thereof.

Application of the Machinery Act 1950

The ADR are made under the Machinery Act and a number of provisions of that Act are relevant to the administration of the ADR (e.g. powers of inspectors).

Regulation 2 Interpretation

The ADR does not contain definitions of terms defined in the Machinery Act and used in the ADR. The relevant definitions are repeated here, with some explanatory comment.

Amusement device means an appliance to which the motion of a prime mover is transmitted and which is used, or designed or intended to be used, for the amusement, recreation, or entertainment of persons being carried, raised, lowered or moved by the appliance, or any part thereof while it is in motion; and includes the prime mover, transmission machinery, supporting structure, and any equipment used or intended to be used in connection therewith.

Comment; For miniature railways operated by hobby clubs, the operations of a club on one site, constitutes one amusement device. This includes the track, buildings and other infrastructure, and all locomotives and carriages (even though locomotives, etc, may be privately owned). It also includes any similar machinery, such as model traction engines, road vehicles, etc, which do not operate on a fixed track. See also regulation 4 below.

Inspector means an Inspector of Machinery appointed under this Act.

Comment; In the ADR the term “Inspector” is used in two ways. It refers to the person who has the role in the Department of Labour of Registrar of Amusement Devices (and who holds a warrant as an Inspector of Machinery under the Machinery Act). It also refers to the Department’s Health and Safety Inspectors who hold warrants as Inspectors of Machinery under the Machinery Act.

Owner, in relation to any machinery, includes the mortgagee or lessee thereof, and any engineer, overseer, foreman, agent, or person in charge or having or apparently having control of the machinery.

Comment; for the purposes of the ADR, when applied to the operation of model engineering societies affiliated to MEANZ, the term “owner” means a miniature railway hobby club and includes any person appointed or nominated by the club to be in control or management of the operation.

Operator/Manager, means the person who operates the device.

Comment; for the purpose of the ADR, when applied to the operation of model engineering societies affiliated to MEANZ, the term “operator/manager” means the person who is in control of the ‘total’ operation that is being conducted on the club’s site at any specific time.

Note, the operator/manager is not to be confused with the driver of a train, who is under the control of the operator.

Auditor / Competent Person

Despite the wording of Reg 2 it is still intended that the auditor does not act as the competent person for his acknowledged home club.

NOTE:- This is a list of the acronyms used in the following pages,

Dol – Department of Labour.

LG – Labour Group (division of DoL).

MEANZ – Model Engineering Association of New Zealand.

AMBSC – Australian Miniature Boiler Codes (adopted by MEANZ).

MES – Model Engineering Societies Inc. (Members of MEANZ).

CCP – Club Competent Person (approved by MEANZ and WPS).

MAP – MEANZ Administration Policy.

MOP – MEANZ Manual of Operating Procedures.

Amended Regulation by clause	Interpretation	Reference
<p>1 Title and commencement</p> <ul style="list-style-type: none"> (1) These regulations may be cited as the Amusement Devices Regulations 1978. (2) These regulations shall come into force on the day after the date of their notification in the Gazette <p>2 Interpretation</p> <ul style="list-style-type: none"> (1) In these regulations, unless the context otherwise requires,— <ul style="list-style-type: none"> The Act means the Machinery Act 1950 Certificate of registration means a certificate of registration issued pursuant to section 21A(4) of the Act Competent person, except in regulation 11(2), means a person with at least 3 years of previous or current membership of a New Zealand model engineering hobby club, and— <ul style="list-style-type: none"> (a) who— <ul style="list-style-type: none"> (i) is not a current member of the club whose model engineering amusement device is being examined; and (ii) has a recognised engineering qualification at certificate, diploma, or degree level in mechanical, electrical, or automotive engineering; or (b) who, whether or not the person is a current member of the club whose model engineering amusement device is being examined, has a formal endorsement as a safety auditor under a safety auditing system administered by the Model Engineering Association of New Zealand Incorporated or another collective organisation of model engineering hobby clubs in New Zealand. <p>competent person's certificate, in relation to a model engineering amusement device, means a certificate issued by a competent person that certifies that the device can, subject to conditions and requirements (if any) specified in the certificate, be erected and operated without danger to persons operating or using it or in its vicinity</p> <p>engineer means a chartered professional engineer (as defined in section 6 of the Chartered Professional Engineers of New Zealand Act 2002) with a qualification in mechanical engineering</p> <p>Engineer: this definition was substituted, as from 1 January 2004, by section 76</p> 		

<p>Chartered Professional Engineers of New Zealand Act 2002 (2002 No 17).</p> <p>Engineer's certificate, in relation to an amusement device, means a certificate by an engineer that the device can, subject to conditions and requirements (if any) specified in the certificate, be erected and operated without danger to persons operating or using it or in its vicinity</p> <p>model engineering amusement device means the following amusement devices operated by a model engineering hobby club:</p> <p>(a) a scale model locomotive that operates on a fixed track and has—</p> <p>(i) a rail gauge between 62 mm and 185 mm; and</p> <p>(ii) a maximum speed of 10 to 15 km per hour; or</p> <p>(b) a scale model traction engine that—</p> <p>(i) does not operate on a fixed track; and</p> <p>(ii) has a maximum speed of 5 km per hour</p> <p>model engineering hobby club means a club that—</p> <p>(a) builds and operates model engineering amusement devices primarily for the enjoyment of its members; and</p> <p>(b) is a society incorporated under the Incorporated Societies Act 1908.</p> <p>Permit means a permit issued by a local authority pursuant to section 21A(7) of the Act</p> <p>Safe operating speed, in relation to any amusement device, means a speed not exceeding the maximum safe operating speed specified in its certificate of registration.</p> <p>(2) In these regulations reference to a numbered form is a reference to the form so numbered in Schedule 1 to these regulations.</p> <p>3 Application</p> <ul style="list-style-type: none"> • These regulations shall not apply to any amusement device that— <ul style="list-style-type: none"> ○ (a) Contains only one mechanical unit; and ○ (b) Is activated by the insertion of a coin into a slot; and ○ (c) Is designed to carry no more than 2 passengers; and ○ (d) Is located in or near retail shop premises— unless an Inspector informs the owner of the device in writing that these regulations should apply to it 	<p>Engineers Certificate. MEANZ Clubs may be safety-certified through inspection by a competent person rather than a chartered professional engineer.</p>	<p>ADR amendment 2011.</p>
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<p>4 Applications for registration</p> <ul style="list-style-type: none"> • (1) Every application for registration under section 21A of the Act shall be made to an Inspector of Machinery in Form 1. (2) Every such application shall be in respect of one amusement device only. (3) For the purposes of subclause (2) of these regulations, a number of individually propelled machines such as dodgems, mini-bikes and the like intended to be used and operated in the one enclosure and each suitably identified by number shall, together with all other equipment and machinery intended to be used during their use and operation, be deemed to constitute a single amusement device. (4) An application must be accompanied by a fee of \$30 and,— <ul style="list-style-type: none"> “(a) in the case of an amusement device that is not a model engineering amusement device, an engineer’s certificate in form 2: “(b) in the case of a model engineering amusement device, either— <ul style="list-style-type: none"> (i) an engineer’s certificate in form 2; or (ii) a competent person’s certificate in form 2A. (5) An application for registration made in respect of an amusement device that is not registered at the time the application is made shall also be accompanied by two photographs, taken from different positions, each showing the whole of the device and being at least 150 mm long and 100 mm wide in picture size. <p>Regulation 4(4)(a) was substituted, as from 1 April 1980, by regulation 2 Amusement Devices Regulations 1978, Amendment No 1 (SR 1980/38) and was further substituted, as from 1 October 1986, by regulation 2(1) Amusement Devices Regulations 1978, Amendment No 3 (SR 1986/235).</p>	<p>Applications for registration shall be in the form of a MEANZ group application.</p> <p>In the case of hobby railways individual locomotives and wagons must be able to be individually identified. See also reg, 9.</p> <p>Payment for the MEANZ group application will be made by MEANZ and will cover the whole group</p> <p>In the case of hobby railways this requirement can be met by two ground-level photographs taken from different angles showing the main features of the operation. It is desirable (but not essential) to supply further information such as drawings or plans of the site.</p>	<p>MAP 10</p> <p>MAP 10</p> <p>MAP 10</p> <p>MAP 10</p>
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5 Amusement device must be examined before certificate issued

- (1) An engineer must not issue an engineer's certificate in respect of an amusement device (including a model engineering amusement device) and a competent person must not issue a competent person's certificate in respect of a model engineering amusement device unless the engineer or competent person (as the case may be) has examined the device in accordance with these regulations and is satisfied:
 - (a) That the device is soundly constructed of proper materials and free from patent defects:
 - (b) Either that the device is equipped with a suitable and effective braking system or that such a system would not increase the safety of the device:
 - (c) Where, during operation of the device, there is a possibility of accidental collision if the normal controls fail, that the device is equipped with a suitable and effective emergency braking system:
 - (d) In the case of a device the dynamic effects of whose movement during normal operation, as a result of the failure of its normal controls during normal operation, or as a result of the application of an emergency braking system after such a failure, could result in the ejection of passengers, that the device is equipped with passenger restraining and containing apparatus, incapable of inadvertent release by a passenger or by accident, sufficient to prevent such ejection:
 - (e) In the case of a device whose prime mover would otherwise be capable of driving it at a speed that is too great for safety, that the device is equipped with a governor that restricts the operation of the device to a speed that is safe:
 - (f) In the case of a rotating device, that it is equipped with visual indicators sufficient to show the speed of rotation:

The 'Competent Person' will issue and sign the certificate in respect of each club's application.

MOP
3.1, 6.5, 8.6

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3.1, 6.5, 8.6

This clause is not applicable to hobby club miniature railways.

Hobby club type miniature railway locomotives are not required to be fitted with a governor so long as the operation is limited (by the driver) to a train speed no more than that specified on the operating certificate. (maximum of 15kph)

This clause (f) is not applicable to hobby club miniature railways.

<ul style="list-style-type: none"> ○ (g) That all parts of the device with which a passenger may come into contact are smooth, free from sharp, rough, or splintered edges and corners, and with no protruding studs, bolts, screws, or other projections: ○ (h) In the case of a device operated on tracks and capable of backward movement in the event of a failure of the propelling mechanism, that the device is equipped with automatic apparatus capable of arresting any such backward movement: ○ (i) In the case of a device during the operation of which dynamic forces are used to retain the passengers in position, that the device is so constructed that the passengers remain safe in the event of a power or transmission failure such that those forces become insufficient so to retain them: ○ (j) In the case of a device having a moving part that moves near persons being carried on another part, that the device is so constructed as to prevent those persons from coming into contact with that moving part: ○ (k) In the case of a device having a stationary part near which persons being carried on a moving part pass, that the device is so constructed as to prevent those persons from coming into contact with that stationary part: ○ (l) That the device is capable of supporting the maximum load to which it may be subjected and will move safely at the speeds at which it is designed to move. <p>(2) For the purposes of subclause (1)(d) of this regulation, in the case of any device that during operation is capable of exerting upon any person centrifugal force capable of ejecting him from the device, the device shall be deemed to be a device whose prime mover is capable of driving at a speed that is too great for safety if the prime mover is capable of driving the device at such a speed that it exerts a centrifugal force upon any person capable of imparting an acceleration of more than 7 m/s².</p>	<p>For hobby club miniature railways, it is sufficient that the driver of the train, or his assistant, is capable of applying a braking force that will restrain the train.</p> <p>This clause is not applicable to hobby club miniature railways.</p> <p>For hobby club miniature railways, the design of the track, when first given a local authority permit under reg. 11, should take into account the likelihood that tunnels, bridges, fences or other structures may pose a risk to passengers. The club shall enforce rules to ensure that passengers do not stand, or extend arms or legs in such a way that they might be seriously injured by striking any stationary structure.</p> <p>This clause (2) is not applicable to hobby club miniature railways.</p>	<p>MOP 6.4</p> <p>MOP 9 Signage and measures to mitigate are required.</p>
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<p>(3) In examining an amusement device and so satisfying himself an engineer or competent person shall have regard to all relevant engineering considerations including those involving dynamic loads, critical speeds, forced vibration, engine drives, gearboxes, transmission, speed controls, bearings and fixings, and built-in safety apparatus such as speed governors.</p>	<p>In the case of hobby club miniature railways the majority of these concerns that are applicable are controlled by the MEANZ ‘Manual of Operating Procedures’ and the ‘Australian Model Boiler Codes’. Governors are covered in Reg. 5 – clause (1) (e)</p>	<p>MAP 10 AMBSC</p>
<p>6 Issue of certificate</p> <ul style="list-style-type: none"> • (1) Subject to subclauses (2) and (3) of this regulation, if, after examining an amusement device, an engineer is satisfied of the matters specified in regulation 5(1) of these regulations that apply to it, he may issue an engineer's certificate in respect of it. • (1A) Subject to subclause (3), if, after examining a model engineering amusement device, the competent person is satisfied of the matters specified in regulation 5(1) that apply to it, the competent person may issue a competent person’s certificate in respect of it. <p>(2) In the case of a device of a kind specified in Schedule 2 to these regulations, the engineer shall not issue an engineer's certificate unless he has examined all critical load-bearing parts for metal fatigue, and unless he is satisfied that—</p> <ul style="list-style-type: none"> ○ (a) The device provides a minimum seating width of 400 mm per person; and ○ (b) The device is capable of supporting a static loading of 70 kg for every person it is capable of carrying; and ○ (c) Except in the case of a device designed to carry passengers in a standing position, the device is provided with an effectual means of preventing passengers from standing when it is in motion; and ○ (d) The device is provided with an effectual means of preventing passengers from being trapped between fixed and moving parts of the device; and ○ (e) The device is equipped with suitable supporting, levelling, and stabilising devices; and 	<p>This clause is not applicable to hobby club miniature railways.</p> <p>This clause is not applicable to hobby club miniature railways.</p> <p>Hobby club miniature railways are to be constructed to achieve a minimum safe distributed working load of 250Kg/lineal meter.</p> <p>This clause (c) is not applicable to hobby club miniature railways.</p>	<p>MOP 9 MOP 9.6</p>

<ul style="list-style-type: none"> ○ (f) All material fastenings, and all chains, attachments, and similar components, are of a type adequate and suitable for the purposes for which they are to be used. <p>(3) If, having regard to the nature of the device, the extent of its likely usage, and any other factors the engineer or competent person (as the case may be) considers relevant, the engineer or competent person believes that the device should be examined again within a period of less than 2 years, the engineer or competent person must specify that period in the relevant certificate.</p> <p>(4) Every certificate shall specify a maximum safe operating speed and a maximum safe operating load in respect of that amusement device to which it relates.</p>	<p>For hobby club miniature railways these requirements are set out in the MEANZ Manual of Operating Procedures.</p>	<p>MOP 3 etc</p>
<p>7 Certificate may be issued subject to conditions</p> <p>If an engineer or competent person is of the opinion that an amusement device cannot be erected and operated without danger to persons operating or using it or in its vicinity un-less some condition or requirement is observed, the engineer or competent person must specify that condition or requirement in any certificate issued by the engineer or competent person in respect of the device.</p>		
<p>8 Registration of amusement device</p> <p>(1) If the Inspector to whom an application for registration under section 21A of the Act is satisfied that it is in order, he shall issue a certificate of registration, in Form 3, in respect of the amusement device to which it relates.</p> <p>(2) Every certificate of registration shall specify—</p> <ul style="list-style-type: none"> ○ (a) The conditions and requirements (if any) specified in the engineer's certificate or competent person's certificate relating to the amusement device concerned; and ○ (b) The maximum safe operating speed specified in the engineer's certificate or competent person's certificate relating to the amusement device concerned; and ○ (c) Any other conditions and requirements the Inspector concerned considers appropriate;— <p>and where any condition or requirement is so</p>	<p>In this regulation, “Inspector” means the Department’s Registrar of Amusement Devices.</p> <p>In the case of hobby club miniature railways this provision will <u>not</u> apply.</p>	<p>LG</p> <p>DoL</p>

specified, the certificate of registration shall be deemed to have been issued subject to it.

(3) Subject to these regulations, every certificate of registration shall be valid—

- (a) Where some period has been specified in the engineer's certificate or competent person's certificate concerned, for that period; or
- (b) Where no period has so been specified, for 2 years.

9 Registration number

- (1) A registration number shall be allotted to and recorded upon every certificate of registration.
- (2) The owner of a registered amusement device shall cause to be affixed to the device, and, where the device consists of several individual appliances, to each appliance, and to be at all times maintained in such a manner as to be clearly legible, in numbers not less than 100 mm in height made of durable material and affixed in a prominent place as closely adjacent to the operator's controls as practicable, the registration number of the certificate of registration issued in respect of it.

10 Change of ownership

- Within one month of a change in the ownership of an amusement device, the former owner shall notify an Inspector in writing of the name and address of the new owner.

11 Local authority permit

(1) Every application for a permit shall be in Form 4 and shall be accompanied by a current certificate of registration in respect of the amusement device for which the permit is sought.

(2) A local authority to which an application for a permit is made shall, before issuing it, cause the site and device to be inspected by the local authority engineer or some other competent person.

(3) Every person inspecting an amusement device pursuant to subclause (2) of this regulation shall have regard to whether:

- (a) The ground on which the device is erected is capable of supporting it without risk of subsidence:

For hobby club miniature railways, a single registration number shall be displayed in a prominent place, such as on the station wall, or near the ticket office

<p>(b) There is sufficient clearance between any part of the device and any fixed or moving objects in its vicinity to prevent injury to any person when the device is in operation:</p> <p>(c) Such protective fences or barriers as the local authority may require are erected:</p> <p>(d) In all other respects, the erection and proposed operation of the device complies with the local authority's bylaws.</p> <p>(4) Every permit shall be in Form 5.</p> <p>(5) A local authority to which an application for a permit in respect of an amusement device is made shall issue the permit if:</p> <ul style="list-style-type: none"> o (a) The application is in accordance with these regulations; and o (b) The application is accompanied by the fee prescribed by subclause (6) of this regulation; and o (c) The person who inspected the device was satisfied of the matters specified in subclause (3) of these regulations. <p>(6) The fee required to be paid for an application for a permit shall be:</p> <ul style="list-style-type: none"> o (a) For one device, for the first 7 days of proposed operation or part thereof, \$10. o (b) For each additional device operated by the same owner, for the first 7 days or part thereof, \$2. o (c) For each device, \$1 for each further period of 7 days or part thereof. 		
<p>12 Alteration of or damage to amusement device</p> <ul style="list-style-type: none"> • Every notice under section 21A(10) of the Act shall be in Form 6. 	<p>In the case of alteration or damage to a hobby club miniature railway installation, a MEANZ Safety Audit is to be carried out and a satisfactory result achieved prior to re-commencing operations.</p>	<p>MAP 3 (1)</p>
<p>13 Inspector to be notified where permit cancelled</p> <ul style="list-style-type: none"> • Where a local authority cancels a permit under section 21A(9) of the Act, it shall inform the Inspector of that fact. 		
<p>14 Erection, repair, and maintenance of amusement devices</p> <ul style="list-style-type: none"> • In addition to the conditions and requirements (if any) specified in it, every certificate of registration of an amusement device shall be deemed to have been issued subject to the following conditions: 	<p>For hobby club miniature railways notification of alterations or repairs to load bearing parts shall take into consideration the following definition of a 'Load Bearing Part'.</p>	

<ul style="list-style-type: none"> ○ (a) All parts of the device shall be properly aligned and not bent, distorted, cut, or damaged, in order to force-fit parts together: ○ (b) Worn or damaged parts shall not be used: ○ (c) Parts requiring lubrication shall be lubricated in the course of erection and at proper intervals thereafter: ○ (d) Fastenings and locking apparatus shall be installed where required for safe operation and secured in a proper manner: ○ (e) Makeshift apparatus shall not be used: ○ (f) Suitable artificial lighting shall be installed where necessary for the safety of passengers: ○ (g) The device, and all safety equipment, fences, barriers, and other fixtures round it, shall be kept in a good state of repair, and maintained in that condition free from patent defects: ○ (h) Any welding of load bearing parts shall be done by a person who is the holder of a welding certificate appropriate for the type of welding being carried out: ○ (i) Where splitpins or taper pins are used in floating spindles, washers shall be provided between the pins and adjacent rubbing surfaces and at all times the correct pins shall be used. 	<p>In the case of hobby club miniature railways a load bearing part shall be any part of the complex and its ancillary equipment that was designated as a load bearing part by the design engineer at the time that the design was carried out.</p> <p>For hobby club miniature railways inspections, maintenance, and repairs shall be carried out on a regular basis as laid out in the 'MEANZ Manual of Operating Procedures'.</p>	<p>MOP 2</p>
<p>15 Owner to inspect device and keep records of inspections</p> <ul style="list-style-type: none"> • (1) The owner of an amusement device shall examine it on each occasion that it is erected to ensure that it fully complies with these regulations; and he shall also inspect it at least once each day before it is used to ensure that it is in a safe operating condition. (2) A close visual examination of parts shall be made during erection of the device to discover any wear or damage that may have occurred; and all fastenings, including nuts, bolts, and splitpins, shall be examined after erection of the device and before operation to ensure they have been properly installed. 	<p>The “owner” means the miniature railways operated by hobby clubs and includes any person appointed or nominated by the club to be in control or management of the operation.</p>	

<p>(3) For the purpose of subclause (1) of this regulation, the inspection shall include the operation of control mechanisms, speed limiting apparatus, brakes, fastenings, and other safety equipment, including fences and barriers provided for the safe operation of the device and the safety of passengers and persons within the vicinity.</p> <p>(4) The owner of the device shall keep a register, and shall enter in it the following matters:</p> <ul style="list-style-type: none"> ○ (a) A description of the device: ○ (b) The name of the owner: ○ (c) The registration number of the device: ○ (d) In respect of each such examination and inspection— <ul style="list-style-type: none"> ▪ (i) A statement as to whether the entries relate to an examination after erection or a daily inspection: ▪ (ii) The date the examination or inspection took place: ▪ (iii) Details of all repairs and alterations made to the device since the previous entry in the register. <p>(5) The register in use for the time being and every such register used at any time within the preceding 2 years shall at all times be open to inspection by the Inspector and by every authorised officer or servant of a local authority.</p>	<p>Inspections and records shall comply with the requirements set out in the ‘MEANZ Guidelines for Passenger Carrying Miniature Railways.</p>	<p>MOP 2</p>
<p>16 Inspector may require improvements to be made</p> <ul style="list-style-type: none"> • Where, during the currency of a certificate of registration, an Inspector becomes aware of any defect in or lack of maintenance of the amusement device to which it relates, he may require the owner to carry out such improvements as he considers necessary to meet the conditions of the certificate of registration, and may require a further examination by an engineer or competent person and a certificate of examination 	<p>This refers to the Departments Health and Safety Inspectors who also hold warrants as Inspectors of Machinery under this Machinery Act.</p>	<p>DoL</p>
<p>17 Inspector may revoke certificate</p> <ul style="list-style-type: none"> • Where an amusement device— <ul style="list-style-type: none"> ○ (a) Has been involved in an accident; or ○ (b) Has been repaired or altered in a 	<p>This refers to the Inspector of Machinery who has the role of Registrar of Amusement Devices.</p>	<p>LG</p>

<p>way that, in the opinion of the Inspector, has detrimentally affected its performance or safe operation; or</p> <ul style="list-style-type: none"> ○ (c) Is, for any reason, considered unsafe by the Inspector— <p>the Inspector may revoke its certificate of registration by notice in writing to its owner.</p> <p>18 Notification of accidents</p> <ul style="list-style-type: none"> • (1) Where any person is killed or suffers serious bodily injury as a result of an accident involving an amusement device the owner of the device shall as soon as practicable, and in any event not later than 48 hours after the accident, send notice thereof in Form 7 to the Inspector and to the local authority in whose area the device was operating at the time of the accident. (2) For the purposes of this regulation, serious bodily injury means an injury that is likely to incapacitate the person injured for at least 48 hours. (3) The Inspector and the representative of the local authority may make such inquiries as they think fit as to the cause of any accident and for that purpose may examine the owner, the operator, or any other person whom they have reason to believe has knowledge of the accident. (4) Neither the owner nor the operator of an amusement device to which subclause (1) of this regulation applies shall, until the Inspector and the representative of the local authority have visited the scene of the accident and have completed their inquiries, in any way deal with the device, or any records relating to it, if the dealing would, or would be likely to, prevent or hinder the ascertainment of the cause of the accident. 	<p>Notification to an Inspector means via the Departments Contact Centre,</p> <p>“Serious bodily injury” is not the same as ‘serious harm’, as defined in the HSE Act. It refers to “incapacitate”, which means unable to do things the person would normally be able to do. This would include a fracture or sprain.</p>	<p>DoL - LG</p> <p>Ref MAP 4, 8, 9 for MEANZ forms and review procedures.</p> <p>DoI – LG</p>
<p>19 Notification of incidents</p> <ul style="list-style-type: none"> • (1) Where any incident involving the capsizing, collapsing, or failure of a load-bearing part or safety appliance of an amusement device occurs, the owner shall as soon as practicable, and in any event not later than 48 hours after the incident, send notice thereof in Form 7 to the Inspector and to the local authority in whose area the device was operating. 	<p>Capsizing means rolling onto the side, not derailment. (Derailments occur not infrequently, and model railways are designed to accommodate this without the derailment creating an accident).</p>	<p>MOP 14</p>

<p>(2) The Inspector and the representative of the local authority may make such inquiries as they think fit as to the cause of any incident and for that purpose may examine the owner, the operator, or any other person whom they have reason to believe has knowledge of the incident.</p>		
<p>20 Operators to be trained</p> <ul style="list-style-type: none"> • No owner of an amusement device shall permit any person to operate or take charge of the device unless that person— <ul style="list-style-type: none"> ○ (a) Has attained the age of 18 years; and ○ (b) Has been adequately instructed as to the possible dangers involved and the precautions to be observed in the operation of the device; and ○ (c) Has received sufficient training to enable him to operate the device in a manner which is safe to every person using it or in the vicinity of it during operation, including directions as to— <ul style="list-style-type: none"> ▪ (i) The requirements for safe loading of the device; and ▪ (ii) The use and maintenance of all appliances and apparatus provided for the safe operation of the device or the safety of passengers; and ▪ (iii) The safe operating speed of the device; and ▪ (iv) The corrective action to be taken in the case of an emergency for the protection of passengers and the public generally; and ○ (d) Is under adequate supervision for as long as may be necessary. 	<p>This regulation requires Operators to be over 18 years old. For this purpose, the Operator is the person supervising the operation, not the driver of an individual locomotive.</p> <p>Training and duties of the Operator shall be consistent with the requirements of the MEANZ Guidelines for Passenger Carrying Miniature Railways.</p>	<p>MOP 8.1.0</p> <p>MOP 8.1</p>
<p>21 Duties of operators of amusement devices</p> <ul style="list-style-type: none"> • No person shall operate an amusement device— <ul style="list-style-type: none"> ○ (a) In a reckless or negligent manner; or ○ (b) At a speed in excess of the maximum safe operating speed; or ○ (c) While he is under the influence of intoxicating liquor or drugs; or ○ (d) Without first ensuring that all items of safety apparatus required pursuant to these regulations are provided and operative 		<p>MOP 8</p>

22 Offences

- Every person commits an offence against these regulations who—
 - (a) Fails or neglects to do anything he is required by these regulations to do; or
 - (b) Without lawful excuse obstructs, impedes, or interferes with, the doing of anything required by these regulations to be done; or
 - (c) Does, or causes or permits to be done, any act in contravention of these regulations.

Regulation 22 was substituted, as from 8 April 1982, by regulation 2 Amusement Devices Regulations 1978, Amendment No 2 (SR 1982/60).

23 Powers of entry

- Every officer and servant of a local authority shall have all such powers of entry onto property, inspection of machinery, and access to and examination and copying of documents, as may be necessary to enable him to exercise the powers and functions conferred on him by the Act or these regulations.

24 Revocation and savings

- (1) The Amusement Devices Regulations 1968¹ and the Amusement Devices Regulations 1968, Amendment No 1² are hereby revoked.
(2) Notwithstanding subclause (1) of this regulation, every certificate of registration under the Amusement Devices Regulations 1968 that was in force immediately before the commencement of these regulations shall continue in force as if it had been issued under these regulations; and these regulations shall apply to it, and to the amusement device to which it relates, accordingly.

1 SR 1968/20 2 SR 1974/238

Schedule 1 amended

- (1) Paragraph (b) of form 1 of Schedule 1 is amended by omitting “engineer” and substituting “engineer/competent person*”.
- (2) Form 1 of Schedule 1 is amended by inserting the following footnote after paragraph (c):
*Select one.
- (3) Schedule 1 is amended by inserting the form 2A set out in the Schedule of these regulations after form 2.

- (4) Form 3 of Schedule 1 is amended by inserting “or competent person” after “engineer”.
- (5) Paragraph (b) of form 6 of Schedule 1 is amended by omitting “engineer” and substituting “engineer/competent person*”.
- (6) Form 6 of Schedule 1 is amended by inserting the following footnote after paragraph (b):
*Select one.

Schedule r 11(3)

New form 2A inserted

Form 2A r 4(4)(b)

Certificate of examination of model engineering amusement device

I, [name], competent person (as defined in regulation 2(1) of the Amusement Devices Regulations 1978) (the regulations), certify that—

- (a) I have examined the model engineering amusement device described below in accordance with regulation 5(1) of the regulations; and
- (b) I am satisfied—
- (i) that the device meets the definition of a model engineering amusement device specified in regulation 2(1) of the regulations; and
- (ii) of the matters specified in regulation 5(1) of the regulations that apply to the device; and
- (iii) that the device can, subject to the conditions and requirements specified below (if any), be erected and operated without danger to persons operating or using it or in its vicinity.

Date:

Signature:

Address:

Description of device

[Describe the device.]

Conditions and requirements

[State the conditions and requirements that apply to the device (if any).]

- 1 Maximum safe operating speed:
- 2 Maximum safe operating load:

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on the 28th day after the date of their notification in the Gazette, amend the Amusement Devices Regulations 1978 to provide that a competent person may issue a certificate of examination in respect of a model engineering amusement device, which certifies that the device may be operated without danger to persons operating or using it or in its vicinity. The competent person’s certificate applies only to model engineering amusement devices and is an alternative to the present requirement, which requires a certificate of examination for an amusement device to be issued by a chartered professional engineer (which continues to apply in the case of all other kinds of amusement devices).

