



Fire and Emergency New Zealand (Fire Safety, Evacuation Procedures, and Evacuation Schemes) Amendment Regulations 2018

Patsy Reddy, Governor-General

Order in Council

At Wellington this 12th day of November 2018

Present:

Her Excellency the Governor-General in Council

These regulations are made under sections 187, 191, and 192 of the Fire and Emergency New Zealand Act 2017—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Internal Affairs.

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Regulations

1 Title

These regulations are the Fire and Emergency New Zealand (Fire Safety, Evacuation Procedures, and Evacuation Schemes) Amendment Regulations 2018.

2 Commencement

These regulations come into force on 13 December 2018.

3 Principal regulations

These regulations amend the Fire and Emergency New Zealand (Fire Safety, Evacuation Procedures, and Evacuation Schemes) Regulations 2018 (the **principal regulations**).

4 Regulation 5 replaced (Owner and tenants of building must maintain means of escape from fire for building)

Replace regulation 5 with:

5 Owner and tenants of building must maintain means of escape from fire for building

- (1) The owner and every tenant of a building must maintain the means of escape from fire for the building so as to ensure that—
 - (a) the means of escape are kept clear of obstacles at all times; and
 - (b) exit doors are unlocked and free of barriers or blockages so that the building's occupants can leave the building in the event of a fire emergency; and
 - (c) smoke-control and fire-stop doors are kept closed unless they are kept open in a way that complies with the building code; and
 - (d) stairwells and passageways are free of stored items and accumulation of waste.
- (2) The duty in subclause (1) is owed by a tenant only in respect of an act or omission by—
 - (a) the tenant;
 - (b) a person who occupies floor space of the tenant (whether as a party to a tenancy agreement, lease, sublease, or other contractual arrangement);
 - (c) any occupant of the building who is an employee of the tenant.
- (3) This regulation does not apply to a person managing persons under control or supervision or persons detained in a hospital or secure facility if the person has a controlled process for the safe evacuation of the building.
- (4) In this regulation,—

hospital has the same meaning as in section 2(1) of the Mental Health (Compulsory Assessment and Treatment) Act 1992

secure facility has the same meaning as in section 5(1) of the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003.

5 Regulation 9 amended (Owners or tenants of certain buildings must have employees trained to assist occupants to evacuate)

In regulation 9(1), replace “Subclause (2)” with “This regulation”.

6 Regulation 17 replaced (Offences)

Replace regulation 17 with:

17 Offences

Offences for contraventions of this Part are in the Fire and Emergency New Zealand (Offences) Regulations 2018.

Rachel Hayward,
for the Clerk of the Executive Council.

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 13 December 2018, amend the Fire and Emergency New Zealand (Fire Safety, Evacuation Procedures, and Evacuation Schemes) Regulations 2018 (the **principal regulations**).

Regulation 4 replaces regulation 5 of the principal regulations, which relates to the duty of an owner and tenants of a building to maintain the means of escape from fire for the building. *New regulation 5* clarifies the extent of the duty of the tenant.

Regulation 5 amends regulation 9(1) of the principal regulations to correct a cross-reference.

Regulation 6 replaces regulation 17 of the principal regulations, which relates to offences. New offences for breaches of Part 1 of the principal regulations (replacing the existing offences) have been created in the Fire and Emergency New Zealand (Offences) Regulations 2018. *New regulation 17* contains a signpost reference to those regulations.

Regulatory impact assessment

The Department of Internal Affairs produced a regulatory impact assessment on 26 June 2018 to help inform the decisions taken by the Government relating to the contents of this instrument.

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Evacuation Procedures, and Evacuation Schemes)
Amendment Regulations 2018**

Explanatory note

2018/230

A copy of this regulatory impact assessment can be found at—

- [https://www.dia.govt.nz/diawebsite.nsf/Files/FENZ-Policy-papers-August2018/\\$file/RIA-for-Proposed-Fire-and-Emergency-New-Zealand-Regulations-\(enforcement\).pdf](https://www.dia.govt.nz/diawebsite.nsf/Files/FENZ-Policy-papers-August2018/$file/RIA-for-Proposed-Fire-and-Emergency-New-Zealand-Regulations-(enforcement).pdf)
- <http://www.treasury.govt.nz/publications/informationreleases/ria>

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 15 November 2018.

These regulations are administered by the Department of Internal Affairs.