

Reprint  
as at 1 January 1971



## Fireguards Regulations 1958 (SR 1958/21)

Cobham, Governor-General

### Order in Council

At the Government House at Wellington this 19th day of February 1958

Present:

His Excellency the Governor-General in Council

Pursuant to the Health Act 1956, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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#### Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

**These regulations are administered by the Ministry of Health.**

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## Regulations

### 1

- (1) These regulations may be cited as the Fireguards Regulations 1958.
- (2) These regulations shall come into force on 1 April 1958.

### *Interpretation*

### 2

In these regulations, unless the context otherwise requires,—

**gas fire** includes a gas burning heater in which the source of the gas is in liquid form or the gas is contained in a portable container

**heater** means an electric fire, a gas fire, or an oil burning heater

**heating element** means,—

- (a) in relation to a gas fire or an oil burning heater, that part thereof which is designed to be directly heated by the impingement of the burning fuel:
- (b) in relation to an electric fire, that part thereof which is designed to be directly heated by the passage of the electric current.

Expressions defined in the Health Act 1956 have the meanings so defined.

### *Application of regulations*

### 3

- (1) Except as provided in subclauses (2) and (3), these regulations shall apply to every heater which is so designed that it is suitable for use in a dwellinghouse.

- (2) These regulations shall not apply to any gas fire or oil burning heater which is so constructed that, when it is burning at the maximum rate for which it is designed, the heating element and any flame are so enclosed within the body of the heater that there is no likelihood of injury to any person from burning, or ignition of clothing or fabrics, by reason of contact with or proximity to the heating element or any flame.
- (3) These regulations shall not apply to any electric fire which is so constructed that, when it is consuming electrical energy at the maximum rate for which it is designed, the heating element is so enclosed within the body of the heater that there is no likelihood of injury to any person from burning, or of ignition of clothing or fabrics, by reason of contact with or proximity to the heating element.

*Restrictions on sale of unguarded heaters*

4

- (1) Except as provided in subclause (2), no person shall, in the course of any business, sell any heater to which these regulations apply unless—
  - (a) the heater is fitted with a guard that is robustly made and otherwise conforms to the provisions of these regulations:
  - (b) the heater and the guard are so constructed that when the guard is in use with the heater it is securely attached to the heater.
- (2) Nothing in this regulation shall apply to—
  - (a) the sale of any heater by any person as the agent, or as the employee of the agent, of any other person who is not acting in the course of a business:
  - (b) the sale, at any time within 12 months after the date of the coming into force of these regulations, of any heater that was manufactured in or imported into New Zealand, or purchased for importation into New Zealand, before the date of the coming into force of these regulations.

*Effectiveness of guards*

5

Every guard required to be fitted to a heater for the purposes of these regulations shall be so constructed and fitted that it may be subjected, without being displaced or damaged, to the following test of strength, namely:

- (a) the heater, being at the temperature of the surrounding space, shall be securely placed so that the central part of the guard is in a horizontal position:
- (b) a flat circular disc of a uniformly distributed weight of 5 lb and approximately 4 in in diameter shall be placed approximately in the middle of the guard, and shall be left there for 1 minute and then removed.

**6**

Every guard required to be fitted to a gas fire or an oil burning heater for the purposes of these regulations shall be so constructed and fitted that, immediately after satisfying the test of strength specified in regulation 5, it conforms to the following requirements, namely:

- (a) that when the conical portion of a test probe of the dimensions set out in Schedule 1 is used on the heater to which the guard is fitted, the probe can not, without applying undue pressure, be inserted through or round the guard so as to touch any heating element or, when the heater is burning at the maximum rate for which it is designed, any flame:
- (b) that when the heater to which the guard is fitted has been burning at the maximum rate for which it is designed for a continuous period of not less than 30 nor more than 60 minutes, and when there is placed on the guard, approximately in the middle of it and reaching from the top to the bottom, a piece of dry flannelette approximately 4 in in width and of the description set out in regulation 8, the flannelette does not smoulder or ignite within 10 seconds after being so placed.

**7**

Every guard required to be fitted to an electric fire for the purposes of these regulations shall be so constructed and fitted that, immediately after satisfying the test of strength specified in regulation 5, it conforms to the following requirements, namely:

- (a) that when a test finger constructed according to the details and dimensions set out in Schedule 2, and having joints as shown in that schedule capable of being fixed in various positions, is used on the heater to which the guard is fitted, the test finger cannot without undue force be inserted through or round the guard, or through any other aperture in the heater, so that its tip can touch any heating element or any termination thereof:
- (b) that when the heater to which the guard is fitted has been consuming electrical energy at the maximum rate for which it is designed for a continuous period of not less than 30 nor more than 60 minutes, and when there is placed on the guard, approximately in the middle of it and reaching from the top to the bottom, a piece of dry flannelette approximately 4 in in width and of the description set out in regulation 8, the flannelette does not smoulder or ignite within 10 seconds after being so placed.

Regulation 7(a): replaced, on 1 January 1971, by regulation 2(1) of the Fireguards Regulations 1958, Amendment No 1 (SR 1969/238).

**8**

The flannelette to be used in the test required by regulations 6(b) and 7(b) shall conform to the following specification:

Composition: all cotton:

Weight per square yard: 4 to 4½ oz:

Foreign matter: 3% maximum:

Threads per inch: warp 59–62; weft 58–61:

Weave: plain or 2/2 twill:

Finish: bleached and raised (not sueded).

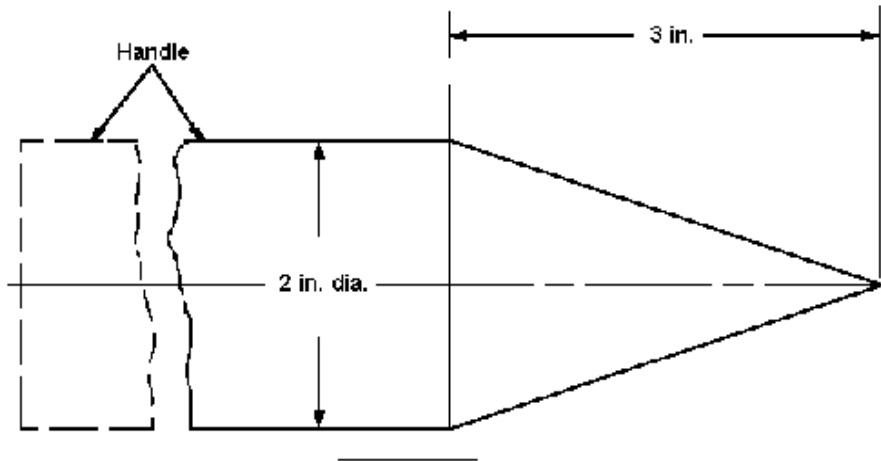
*Offences*

**9**

Every person commits an offence, and shall be liable accordingly under sections 136 and 137 of the Health Act 1956, who contravenes or fails to comply with any of the provisions of these regulations.

**Schedule 1**  
**Test probe for guards for gas fires and oil burning heaters**

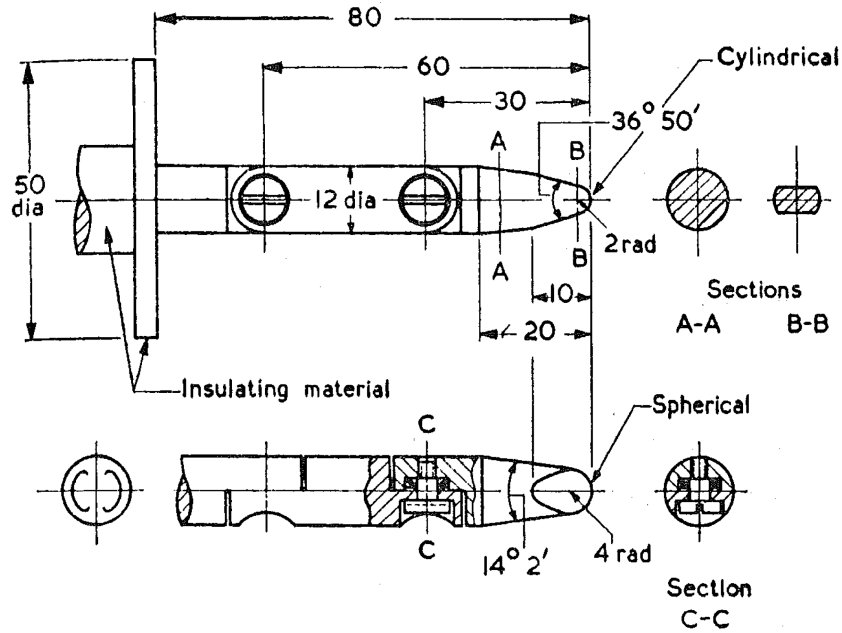
r 6(a)



## Schedule 2 Test finger for guards for electric fires

r 7(a)

Schedule 2: replaced, on 1 January 1971, by regulation 2(2) of the Fireguards Regulations 1958, Amendment No 1 (SR 1969/238).



Dimensions in millimetres

Tolerances on angular dimensions:  $\pm 5'$   
Tolerances on linear dimensions: Less than 25 mm  $+ 0.0$   
 $- 0.05$   
Over 25 mm  $\pm 0.2$

T J Sherrard,  
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 20 February 1958.

**Contents**

- 1 General
- 2 Status of reprints
- 3 How reprints are prepared
- 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
- 5 List of amendments incorporated in this reprint (most recent first)

**Notes****1 General**

This is a reprint of the Fireguards Regulations 1958. The reprint incorporates all the amendments to the regulations as at 1 January 1971, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

**2 Status of reprints**

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

**3 How reprints are prepared**

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

**4 Changes made under section 17C of the Acts and Regulations Publication Act 1989**

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted



enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted.

A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)
- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)

- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5** *List of amendments incorporated in this reprint  
(most recent first)*

Fireguards Regulations 1958, Amendment No 1 (SR 1969/238)