

1973/10



**THE FACTORIES CONSOLIDATING REGULATIONS 1937,
AMENDMENT NO. 4**

—
DENIS BLUNDELL, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 29th day of January 1973

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Factories Act 1946, 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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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Factories Consolidating Regulations 1937, Amendment No. 4, and shall be read together with and deemed part of the Factories Consolidating Regulations 1937* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 1st day of April 1973.

2. Revocation of regulations 7 to 19—Regulations 7 to 19 of the principal regulations are hereby revoked.

3. New forms—The Second Schedule to the principal regulations (as amended by regulation 18 (2) of the First Aid (Factories) Regulations 1966†) is hereby further amended by adding the new Forms F. 19, F. 20, and F. 21, set out in the Schedule to these regulations.

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*S.R. 1937/192 (Reprinted with amendments Nos. 1 and 2: S.R. 1967/79)
Amendment No. 3: S.R. 1967/189
†S.R. 1966/39

SCHEDULE

Reg. 3
Form F. 19*Under the Factories Act 1946 (section 53)*

APPLICATION TO LOCAL AUTHORITY FOR FIRE-SAFETY CERTIFICATE

To:.....

PURSUANT to section 53 (2) of the Factories Act 1946, application is hereby made for a Fire-Safety Certificate in respect of the factory premises situated at and occupied by

Signature of Occupier

Date

Form F. 20

Under the Factories Act 1946 (section 53)

FIRE-SAFETY CERTIFICATE

THIS is to certify that the factory premises situated at and occupied by have been inspected and the Council is satisfied that the means of escape and the fire alarm system comply with its requirements.

Particulars of means of escape

Particulars of fire-alarm system provided

Particulars of dangerous goods normally stored or used in premises

Number of persons normally employed in premises

Maximum number of persons that may be employed in premises at any one time

Signed for and on behalf of [Local authority]

Date.....

NOTICE

1. A copy of this certificate has been forwarded to the nearest District Office of the Department of Labour.

2. The attention of the occupier of the factory is drawn to section 53 (7) of the Factories Act 1946, which provides as follows:

“No occupier of a factory in respect of which a fire safety certificate has been issued shall—

“(a) Introduce changes involving—

“(i) Any substantial increase in the number of persons employed in the factory; or

“(ii) Any extension of, or structural alteration to, the factory; or

“(iii) The introduction of any process in which dangerous goods within the meaning of the Dangerous Goods Act 1957 will be used; or

“(iv) Any substantial increase in the quantity of such dangerous goods stored or used in the factory; or

SCHEDULE—*continued*

“(b) Introduce any other changes whatsoever which may adversely affect the efficiency of the means of escape or fire alarm system—

“unless he has given the local authority not less than 1 month’s written notice of his intention to do so.”

Form F. 21

Under the Factories Act 1946 (section 53)

NOTICE TO OCCUPIER SPECIFYING FIRE-SAFETY DEFECTS

To:.....

NOTICE is hereby given pursuant to section 53 (4)/(6)/(8)/(10)¹ of the Factories Act 1946 that the Council will decline to grant a Fire-Safety Certificate in respect of your factory premises situated at unless the requirements of the Council are complied with by not later than The defects to be remedied are specified in the Schedule to this notice.

[Subject to section 53B of the Factories Act 1946, any Fire-Safety Certificate in force in respect of the factory immediately before the service of this notice is cancelled as from the time of service of this notice.]²

Signed for and on behalf of [Local authority]

Date.....

*Schedule of Defects*NOTES—¹Delete whichever are inapplicable.²Delete unless notice given pursuant to section 53 (6), (8), or (10).

NOTICE

1. Under section 53 (6), (8), and (10) of the Factories Act 1946, service of this notice has the effect of cancelling any Fire-Safety Certificate which may be in existence for these premises.

2. A copy of this notice has been sent to the nearest District Office of the Department of Labour.

3. A factory occupier who considers this notice to be unreasonable may appeal within 14 days to a Magistrate in accordance with section 83 of the Factories Act 1946.

4. When the remedying of any defects involves alterations to a building of which the factory occupier is not the owner, he may within 14 days serve a copy of this notice on the owner or his agent in accordance with section 81 of the Factories Act 1946.

5. The owner of a building or his agent, on being served with a copy of this notice, may appeal within 14 days to a Magistrate in accordance with sections 81 and 83 of the Factories Act 1946.

P. J. BROOKS,
Clerk of the Executive Council.

EXPLANATORY NOTE

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

Sections 53, 53A, and 53B of the Factories Act 1946, which come into force on 1 April 1973, deal with fire safety in factories.

These regulations revoke the existing regulations in the Factories Consolidating Regulations 1937 relating to fire safety, and provide for forms to be issued under the new sections of the Act.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 1 February 1973.

These regulations are administered in the Department of Labour.