

**Serial Number 1946/171**

*Reprint under section 7 of the Regulations Act, 1936, of Serial number 1940/246 as amended by Serial number 1943/31.*



**THE FOREST (FIRE-PREVENTION) REGULATIONS 1940  
(REPRINT)**

GALWAY, Governor-General  
ORDER IN COUNCIL

At the Government House at Wellington, this 18th day of  
September, 1940

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Forests Act, 1921-22, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

**REGULATIONS**

1. These regulations may be cited as the Forest (Fire-prevention) Regulations 1940.

2. These regulations shall come into force on the day following notification in the *Gazette* of the making thereof.\*

3. (1) Unless a contrary intention appears, expressions used herein have the same meaning as in the Forests Act, 1921-22:

(2) In these regulations, unless inconsistent with the context,—

“The Act” means the Forests Act, 1921-22 :

“Conservator” means a Conservator of Forests appointed under the Act, and includes any person for the time being appointed to perform the duties of a Conservator :

“Forest Officer” means an officer of the State Forest Service under the Act, and includes an honorary ranger appointed under the Act :

“State forest” means a permanent State forest or a provisional State forest under the Act, and includes areas administered as State forests under lawful authority :

\* See end note.

“ Fire district ” means any area declared pursuant to section 27 of the Act to be a fire district :

“ Right ” means any lease, license, permit, or other similar right or authority granted under the Act :

“ Right-holder ” means the person in whose name a right is granted under the Act, or in whom a right is for the time being legally vested.

4. Whenever in the opinion of a Conservator or other Forest Officer a fire on private land is likely to get out of control and to spread to a State forest or fire district he may enter upon such private land and take all measures deemed necessary by him to suppress the fire.

5. Nothing in these regulations shall place any obligation or responsibility on the Crown, the State Forest Service, or its officers to take any steps to suppress fire on any land the subject of a right granted under the Act or on any land whatsoever.

6. [(1) No person shall operate in any State forest or fire district, from the 1st day of August in any one year to the 30th day of April in the following year (both days inclusive), any locomotive engine, traction engine, portable engine, stationary engine, or any steam or internal-combustion engine whatsoever which is not provided with safe and efficient means for preventing the escape of dangerous sparks or flame from funnel or exhaust and for preventing the escape of live coals or fire from ash-pan or fire-box :

Provided that this clause shall have no application to milking-machine plants, shearing plants, or to engines used in the ordinary course of farming operations in the vicinity of farm buildings or yards.]

(2) Every person in charge of any such engine as aforesaid used or operated in a State forest or fire district shall at all times dispose of the ashes from such engine by dumping and totally extinguishing the same in such a manner as to prevent the outbreak of fire.

[(3) No owner or other person having control or management of any tramway adjoining or within an exotic forest in a fire district shall use or cause to be used any steam-locomotive engine along such tramway during the period from the 1st day of August in any one year to the 30th day of April in the following year (both days inclusive) unless he shall have provided a patrol with adequate fire-extinguishing equipment to patrol the route followed by such engine not earlier than ten minutes nor later than thirty minutes after the passing of such engine, and to extinguish promptly any fires along such route.]

Clause (1) (as printed within brackets) of Regulation 6 was substituted, and clause (3) (as printed within brackets) was added, by Regulation 4 of the Forest (Fire-prevention) Regulations 1940, Amendment No. 1 (Serial number 1943/31).

7. When weather conditions arise which, in the opinion of the Director of Forestry, present an extreme fire hazard whereby life and property may be endangered by spreading forest fires, the Director of Forestry may issue, or cause to be issued, either by radio or otherwise, an order suspending for the period and in the localities designated in such order any logging, sawmilling, or other operations specified in such order. Every person who fails to comply with any such order as aforesaid shall be guilty of a breach of these regulations and shall be deemed to have committed an offence on each day during which such non-compliance continues.

8. (1) Where a fire breaks out in an area in a State forest held pursuant to a right, or within a distance of 20 chains from such area, or along such portion of any route regularly traversed in the course of forestry operations as may be within such State forest or within a distance of 20 chains from the boundary thereof, the right-holder or, in his absence, his servant, agent, or employees in control of the forestry operations in his stead shall, on discovering or becoming aware of the outbreak of fire, immediately cease the work upon which he or they are engaged and shall take immediate steps to suppress the fire, and shall forthwith arrange to have the nearest Forest Officer notified of the fire, and shall continue his or their efforts to suppress the fire to the full limit of available servants, agents, or employees, and also with the assistance that is available of persons organized as fire-fighting crews in such numbers as are in the opinion of a Forest Officer sufficient to bring such fire within control, to such a degree that fire-patrols are adequate to cope with the fire, and shall not permit such fire to be left without a fire-fighting crew or a fire-patrol until authority in writing so to do has been granted by a Forest Officer.

[(2) A Conservator or other Forest Officer may serve a notice in writing on the owner or other person having control or management of any land used for or for the purposes of any tramway which land adjoins or is within an exotic forest in a fire district, upon which said land is lying inflammable debris from forest operations or land-clearing operations or any grass or other inflammable growth or material which by reason of its situation constitutes a potential danger to property by fire, requiring the aforesaid owner, occupier, or person having the control or management of such land forthwith to take proper steps for the removal of such inflammable debris, growth, or material, or otherwise for rendering the same safe and generally for the prevention of fire, and may by such notice direct the employment of specific means and methods to that end. In case of refusal or neglect to comply with such notice, a Forest Officer may enter upon such land with such assistance as he deems necessary, and may take all necessary steps to secure the ends of such notice.]

(3) If the person served with such notice as aforesaid fails to comply therewith, he shall be deemed to have committed a breach of these regulations, but it shall be a defence to any proceedings taken in respect of such a breach if the defendant proves that the adjoining owners or occupiers, whether the Crown or not, have themselves failed to take equivalent steps for the prevention of fire by the removal of such inflammable debris, growth, or material, or otherwise for rendering the same safe and generally for the prevention of fire upon any areas adjoining the area upon which is lying such inflammable debris, growth, or material and in respect of which proceedings are taken. ]

Clauses (2) and (3) (as printed within brackets) of Regulation 8 were added by Regulation 5 of the Forest (Fire-prevention) Regulations 1940, Amendment No. 1 (Serial number 1943/31).

9. (1) Every right-holder conducting any operation likely to constitute a fire hazard in a State forest shall provide and maintain in good condition such equipment as a Conservator or other Forest Officer may consider suitable and adequate for the purpose of fighting fires, and shall provide such structures and do all such things as may be necessary for the protection of the equipment and shall ensure that the equipment is readily accessible and convenient for use at all times.

(2) The equipment provided pursuant to the last preceding clause shall be placed in such localities and upon such sites as the Conservator or other Forest Officer may from time to time require.

10. (1) Any person who shall throw, leave, or drop any burning match, ashes of a pipe, lighted cigarette or cigar, or other burning or smouldering substance in a State forest during the period from the 1st day of August in each year to the 30th day of April in the following year, both days inclusive, or in any fire district during the closed season specified in respect thereof pursuant to the Act, and who negligently omits, before leaving the spot, wholly to extinguish the fire of such burning match, ashes of pipe, cigarette, cigar, or other burning or smouldering substance . . . shall be guilty of an offence against these regulations.

[(2) Any person who, in any fire district, during the period from the 1st day of August in each year to the 30th day of April in the following year—

- (a) In the open air operates any gas-producer unit which is not fitted and mounted and maintained so as to prevent effectively the escape of fire, sparks, grit, cinders, ashes, clinker coals, and burning gas :
- (b) Empties from any gas-producer unit any live fuel, hot ashes, clinker, or any material from which sparks or fire may be emitted, unless the live fuel, hot ashes, clinker, or other material are emptied into a receptacle containing water sufficient to extinguish completely the said live fuel, hot ashes, clinker, or other material—

shall be guilty of an offence under these regulations.

(3) (a) The Minister may from time to time by notice in the *Gazette* prohibit the use of any road or portion of any road situated in or adjoining a State forest or part of a State forest within a fire district by any motor-vehicle operated principally by means of a gas-producer unit during such period or periods as may be specified in such notice.

(b) Any notice under this regulation may at any time be in like manner revoked or varied.

(c) Any person who uses a road or portion of a road the use of which has been prohibited by the Minister pursuant to this regulation shall be deemed to have committed a breach of these regulations. ]

Clause (1) of Regulation 10 was amended by omitting the words (where indicated by points of omission) “or ashes from a gas-producer”, and clauses (2) and (3) (as printed within brackets) were added by Regulation 6 of the *Forest (Fire-prevention) Regulations 1940, Amendment No. 1* (Serial number 1943/31).

11. (1) A permit to burn given pursuant to section 27 of the Act shall not discharge the person obtaining the same from any liability for damage caused by any fire lighted pursuant to such permit. No such permit shall be authority for the setting of a fire at the time mentioned therein if at that time a heavy wind is blowing or if conditions are such as might cause a fire to spread beyond the limits of the land the subject of such permit.

[(2) While a fire set in terms of a permit to burn given pursuant to section 27 of the Act is burning, the permit-holder, or a responsible employee specially appointed by him for the purpose, shall remain in attendance with such other person or persons, and provided with such fire-fighting equipment as may be necessary for the control of

such fire, and shall not permit the same to be left unattended before it is totally extinguished or unless adequate precautions have been taken to prevent its spreading beyond the boundaries of the area specified in the permit to burn.】

Clause (2) of Regulation 11 was added by Regulation 7 of the Forest (Fire-prevention) Regulations 1940, Amendment No. 1 (Serial number 1943/31).

**12.** [(1) Any person who without a permit from a Conservator or other Forest Officer, or without the permission of the owner or occupier, as the case may be, enters at any time any State forest wherever situated, or any privately-owned exotic forest within a fire district, or, being a permit-holder, fails to observe the conditions set out therein, commits an offence against these regulations.】

(2) Any such permit may be cancelled for any breach of its conditions, or without any reason being assigned.

(3) Any such permit or permission shall cease to be operative during the currency of any order issued pursuant to Regulation 7 applying to the area to which the permit relates.

(4) This regulation shall not apply to any right-holder or his employees, or to any owner or occupier of an exotic forest as aforesaid within a fire district, or his employees, so far as concerns the land to which his right or ownership relates.

Clause (1) (as printed within brackets) of Regulation 12 was substituted by Regulation 8 of the Forest (Fire-prevention) Regulations 1940, Amendment No. 1 (Serial number 1943/31).

**13.** Any person who wilfully tears, damages, defaces, removes, or pulls down any notice, poster, or sign erected by the State Forest Service or by any Forest Officer drawing attention to the danger of fires or to the forest fire laws, or otherwise, shall be guilty of an offence against these regulations.

**14.** The owner or occupier of any land adjoining a State forest or within a fire district, upon the occurrence upon the land so owned or occupied by him of a fire which is in danger of spreading to a State forest or to parts of a fire district beyond his boundaries, shall, whether he set the fire or not, immediately [endeavour to extinguish or curtail the fire, but if he finds that he is unable to cope with the fire he shall forthwith cause the nearest Forest Officer to be notified of the fire, and such person shall then continue with all steps to suppress the fire until it is brought under control.】

The words printed within brackets in Regulation 14 were substituted by Regulation 9 of the Forest (Fire-prevention) Regulations 1940, Amendment No. 1 (Serial number 1943/31).

**15.** (1) Every person engaged or employed in a State forest or in a fire district or privately-owned forest, in whatever capacity, shall, on discovering or becoming aware of the outbreak of a fire therein, immediately cease the work upon which he is engaged and shall take prompt steps to suppress such fire, and shall forthwith arrange for the nearest Forest Officer to be advised, and such person shall then continue with all steps to suppress the fire until it is brought under control.

(2) Any person discovering a fire burning unattended in a State forest or in a fire district, whether in a privately-owned forest or not, shall do everything reasonable within his power to extinguish such fire, whether or not there is an immediate danger of its causing damage, and shall cause the nearest Forest Officer to be notified of the outbreak.

16. Every person who permits a breach of these regulations is under the liability imposed by section 57 of the Act.

17. (1) The Spark-arrester (Forest Act) Regulations 1925, published in the *Gazette* of the 24th September, 1925, at page 2646, and the notice given thereunder published in the *Gazette* of the 29th October, 1925, are hereby revoked.

(2) Regulations numbered 9 and 12 of the regulations made under the State Forest Act, 1908, on the 31st day of March, 1909, and published in the *Gazette* of the 15th April, 1909, at page 1031, are hereby revoked.

T. R. AICKIN,  
Acting Clerk of the Executive Council.

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*Certified for the purposes of section 7 of the Regulations Act, 1936,  
this 4th day of October, 1945.*

H. G. R. MASON,  
*Attorney-General.*

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Issued under the authority of the Regulations Act, 1936.

Date of notification of the principal regulations in *Gazette*: 26th day of September, 1940.

These regulations are administered in the State Forest Service.