

## Serial Number 1940/246.

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


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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.

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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 :

“ 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.

\* See end note.

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) Except with a written permit from a Conservator or other Forest Officer, no person shall use or 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 devices, approved by such Conservator or other Forest Officer, for arresting 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.

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. 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 rightholder 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.

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. 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 or ashes from a gas producer, shall be guilty of an offence against these regulations.

11. 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.

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 or any exotic forest, not being a State 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.

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 cause the nearest Forest Officer to be notified of the fire, and shall in the meantime use every endeavour to extinguish or curtail the fire until the arrival of a Forest Officer.

**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 reasonably 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 commits a breach of these regulations is under the liability imposed by section 57 of the Act.

**17.** (1) The Spark-arrester (Forests 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 Forests 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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Issued under the authority of the Regulations Act, 1936.  
Date of notification in *Gazette* : 26th day of September, 1940.  
These regulations are administered in the State Forest Service.