



**THE FOREST (FIRE-PREVENTION) REGULATIONS 1940,
AMENDMENT NO. 1**

C. L. N. NEWALL, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 24th day of
February, 1943.

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, Amendment No. 1.

2. These regulations shall be read together with and form part of the Forest (Fire-prevention) Regulations 1940* (hereinafter referred to as the principal regulations).

3. These regulations shall come into force on the day following notification in the *Gazette* of the making hereof†.

4. Regulation 6 of the principal regulations is amended—

(a) By revoking clause (1), and by substituting the following clause :—

“(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.”

* Statutory Regulations 1940, Serial number 1940/246, page 770.

† See end note.

(b) By inserting, next after clause (2), the following additional clause :—

“(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 nor earlier than ten minutes nor later than thirty minutes after the passing of such engine, and to extinguish promptly any fires along such route.”

5. Regulation 8 of the principal regulations is amended by prefixing “(1)” to the text thereof and by adding the following clauses :—

“(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.”

6. Regulation 10 of the principal regulations is amended by prefixing “(1)” to the text thereof, by omitting the words “or ashes from a gas producer”, and by adding the following clauses thereto :—

“(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.”

7. Regulation 11 of the principal regulations is amended by prefixing “(1)” to the text thereof and by adding the following clause thereto :—

“(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.”

8. Regulation 12 of the principal regulations is amended by revoking clause 1, and substituting the following :—

“(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.”

9. Regulation 14 of the principal regulations is amended by deleting all the words after the word “immediately”, and substituting the following words: “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”.

C. A. JEFFERY,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.
Date of notification in *Gazette*: 25th day of February, 1943.
These regulations are administered in the State Forest Service.