

1958/21



## THE FIREGUARDS REGULATIONS 1958

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.

### REGULATIONS

1. (1) These regulations may be cited as the Fireguards Regulations 1958.
- (2) These regulations shall come into force on the 1st day of 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) of this regulation, 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) of this regulation, 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 twelve 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 one 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 hereof, it conforms to the following requirements, namely:

- (a) That when the conical portion of a test probe of the dimensions set out in the First Schedule hereto 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 thirty nor more than sixty 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 hereof, the flannelette does not smoulder or ignite within ten 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 hereof, it conforms to the following requirements, namely:

- (a) That when the conical portion of a test probe of the dimensions set out in the Second Schedule hereto 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 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 thirty nor more than sixty 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 hereof, the flannelette does not smoulder or ignite within ten seconds after being so placed.

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

Composition: All cotton.

Weight per square yard: 4 to 4½ oz.

Foreign matter: 3 per cent 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.

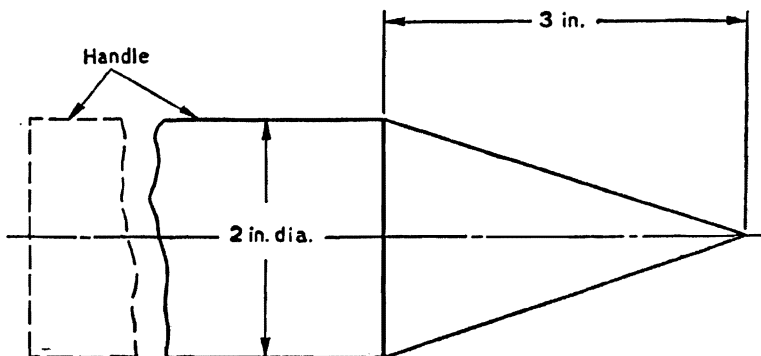
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SCHEDULES

Reg. 6 (a)

FIRST SCHEDULE

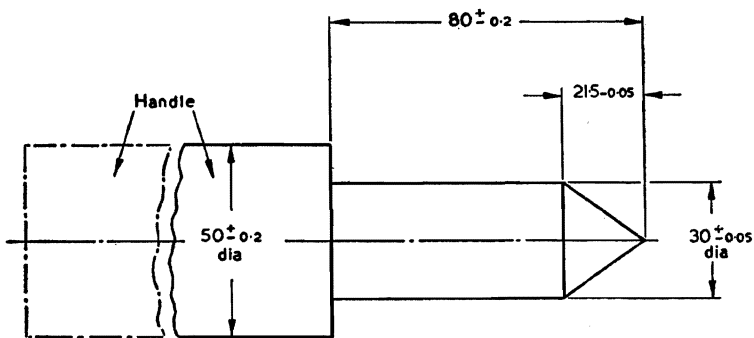
TEST PROBE FOR GUARDS FOR GAS FIRES AND OIL BURNING HEATERS



Reg. 7 (a)

SECOND SCHEDULE

TEST PROBE FOR GUARDS FOR ELECTRIC FIRES



Dimensions in millimetres

T. J. SHERRARD,  
Clerk of the Executive Council.

EXPLANATORY NOTE

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

These regulations require fireguards to be fitted to electric fires, gas fires, and oil burning heaters that are sold in the course of business and are so designed as to be suitable for use in residential premises. They apply to heaters of such a type that, without a guard, there is risk of injury to persons by burning, or of the ignition of clothing or fabrics, by contact with the heating elements or flames.

The regulations have the same effect as the Heating Appliances (Fireguards) Regulations 1953 of the United Kingdom (S.I. 1953, No. 526), and are based on the New Zealand Standard Specification No. 1256 (which adopts the British Standard Specification No. 1945 : 1953).

In regulation 2, "gas fire" is defined to include any gas burning heater in which the source of the gas is in liquid form or in which the gas is contained in a portable container. "Heater" and "heating element" are also defined. By reason of section 2 of the Health Act 1956, the term "dwellinghouse" includes any building, tent, caravan, or other structure intended to be used for human habitation.

Regulation 3 applies the regulations to heaters so designed that they are suitable for use in dwellinghouses (as defined above); but the regulations will not apply if the heating element and any flame are so enclosed within the body of the heater that there is no likelihood of the burning of any person or clothing or fabrics.

Regulation 4 prohibits the sale, in the course of a business, of any heater to which the regulations apply, unless the heater is fitted with a robustly made guard conforming to the requirements of these regulations. The heater and guard must also be so made that when they are in use together the guard is securely attached. Any sale by an agent on behalf of a person who is not acting in the course of a business is exempted. Any sale, within twelve months after the date of the coming into force of the regulations, of a heater made in or imported into New Zealand, or purchased for importation into New Zealand, before that date is also exempted.

Regulations 5, 6, 7, and 8 prescribe in detail the tests of strength and effectiveness to be used in ensuring that guards conform to the regulations.

Under sections 136 and 137 of the Health Act 1956 the maximum penalty for an offence against these regulations is a fine of £50 on summary conviction.

The regulations come into force on 1 April 1958.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 20 February 1958.

These regulations are administered in the Department of Health.