

1965/31



## THE FIRE SERVICES REGULATIONS 1965

BERNARD FERGUSSON, Governor-General

### ORDER IN COUNCIL

At the Government Buildings at Wellington this 8th day of March 1965

Present:

THE RIGHT HON. KEITH HOLYOAKE, C.H., PRESIDING IN COUNCIL

PURSUANT to the Fire Services Act 1949, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

### REGULATIONS

#### PART I—PRELIMINARY

1. (1) These regulations may be cited as the Fire Services Regulations 1965.

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. These regulations are arranged as follows:

Part I—Preliminary.

Part II—Protection of Property Within Rural Areas.

Part III—Registration of Premises in Rural Areas.

Part IV—Reinforcement at Serious Fires.

Part V—Operation at Emergency Fires.

Part VI—General Provisions.

First Schedule—Charges for Attendances Outside District.

Second Schedule—Registration Fees.

3. In these regulations, unless the context otherwise requires,—

Expressions defined in the Act have the meanings so defined:

“Coordination scheme” means any scheme for rural fire protection, reinforcement at serious fires, and operation at emergency fires, established by the Fire Service Council under section 9 of the Fire Services Act 1949:

- “Emergency fire” includes a fire or threat of fire arising or resulting from enemy action in war, or from a serious earthquake, or from a major explosion, or a fire or threat of fire in trees or other plants in an area of which the Director-General of Forests or a Conservator of Forests has for the time being taken charge under section 35 of the Forest and Rural Fires Act 1955:
- “Industrial premises” means any commercial or industrial premises the value of which, together with the contents thereof, exceeds £5,000, or in which more than four persons are normally employed:
- “Property” means all property both real and personal:
- “Protected area”, in relation to an Urban Fire Authority, means any rural area which is adjacent to the district of the Authority and to which the Authority is required to afford protection pursuant to any coordination scheme:
- “Protection” means any action which a brigade finds it necessary to take to extinguish a fire; and includes any action taken to prevent fire or minimise the effect of fire:
- “Rural local authority”, in relation to any rural area, means the territorial local authority which controls the area.

#### PART II—PROTECTION OF PROPERTY WITHIN RURAL AREAS

4. Except as provided in regulation 5 hereof, it shall be the duty of every Urban Fire Authority to afford protection from fire to all property in any protected area on the basis defined in the coordination scheme for the time being in force, and in accordance with the terms of that scheme, and to endeavour to make an agreement with the rural local authority in whose district the property is situated in accordance with section 44 (1) of the Fire Services Act 1949.

5. Where pursuant to section 44 (2) of the Fire Services Act 1949 an Urban Fire Authority makes an agreement with the owner of any property situated outside its district to afford that property a greater measure of protection from fire than it would otherwise receive under these regulations, the provisions of regulations 6 and 11 hereof shall not apply, but the terms and conditions under which the service is to be rendered shall be determined exclusively by the agreement.

6. Where no agreement providing for payment for services on an annual contribution basis under the coordination scheme has been made between an Urban Fire Authority and the rural local authority whose district includes any portion of the protected area, the cost of actual attendance to calls of fire shall be charged to and paid for by the rural local authority at the rates set out in the First Schedule hereto, except that the brigade turnout charge shall be £25 or such lower amount as the Urban Fire Authority in any case may determine.

7. Where any property is situated within the protected area of two or more districts, the Fire Service Council may determine which brigade or brigades shall serve that property.

8. If any dispute arises when negotiating an agreement to be made under section 44 (1) of the Fire Services Act 1949 as to the amount of the contribution to be made in respect of services to be rendered under the agreement, the matter may be determined by arbitration as provided in section 2 (2) of that Act.

9. The Chief Fire Officer of any brigade may arrange for the attendance of the brigade at any fire in or threatening any property in a rural area which is not within the protected area if in his opinion, having regard to the circumstances known or ascertained at the time, there is a reasonable chance that the brigade can render effective protection to life or property. In any such case the cost of attendance shall be charged to and payable by the rural local authority on the basis set out in the First Schedule hereto.

10. Every Urban Fire Authority shall, in the organisation and equipment of every brigade serving within its district and under its control, have regard to the possibility that two or more fires may occur simultaneously within the district and protected area for which it is responsible. Such organisation should be made either by arrangements for reinforcement from neighbouring brigades or by the improvisation of mobile equipment, and this obligation shall not of itself require the Urban Fire Authority to maintain more than one appliance.

### PART III—REGISTRATION OF PREMISES IN RURAL AREAS

11. (1) The Fire Service Council may require the owner or occupier of any industrial premises situated in a protected area to register the premises for the purposes of the Fire Services Act 1949, or may delegate to any Urban Fire Authority the responsibility for issuing a requisition pursuant to section 9 (2) (c) of that Act.

(2) Any such requisition issued under this regulation may require the owner or occupier of the premises, within the time specified in the requisition, to take such measures to make water available and accessible for protection purposes and to instal such first-aid fire protection equipment as may be stated in the requisition.

(3) Any owner or occupier of any premises to whom a requisition has been issued under this regulation who fails to conform with its terms within the time specified in the requisition commits an offence against these regulations, and is liable on summary conviction to a fine not exceeding £5. The owner or occupier of any premises to whom a requisition has been issued as aforesaid shall pay to the Urban Fire Authority in whose protected area the premises are located an annual registration fee determined in accordance with the Second Schedule hereto. Any such registration fee may be collected as a debt under ordinary process of law.

(4) The cost of actual attendance to calls of fire in such registered industrial premises shall be charged to and paid for by the rural local authority at the rates specified in the First Schedule hereto, except that, where an agreement between the Urban Fire Authority and the rural local authority in whose district the industrial premises are situated is in force providing for payment for services on an annual contribution basis, attendance charges shall be charged only in respect of appliances additional to those provided for under the agreement.

(5) The rural local authority shall be informed by the Urban Fire Authority of every registration of industrial premises pursuant to this regulation.

#### PART IV—REINFORCEMENT AT SERIOUS FIRES

12. (1) It shall be the duty of every Urban Fire Authority to make reciprocal arrangements for reinforcement of and by its brigade or brigades so far as practicable and necessary to conform with Division 1 of the coordination scheme set out in Part III of the Fire Services Code of Practices 1965, having reference to the attendance of supporting appliances.

(2) In any case where the Chief Fire Officer for any district considers that the mutual assistance arrangements are insufficient for dealing with a serious fire in the district or area he is required to protect, he may call for the services of any additional appliances required, and it shall be the duty of the Urban Fire Authority to which that call is made to make such appliances available as its Chief Fire Officer, in his discretion and having regard to all the circumstances, considers can be released without endangering the fire protection of his own district.

(3) In any case where, by reason of isolation, no agreement for mutual assistance is in force, or where the assistance required is in excess of the standards relating to attendance of total appliances required as set out in Part II of the Fire Services Code of Practices 1965 which deals with standards of cover, the Urban Fire Authority for the district in which the fire occurs, or (in the case of a protected area) the rural local authority, may be charged for, and if so charged shall pay, the costs of attendance of the additional appliances which are made available as aforesaid at the rates set out in the First Schedule hereto.

#### PART V—OPERATION AT EMERGENCY FIRES

13. (1) Subject to the limitations imposed by section 32 (3) of the Fire Services Act 1949, it shall be the duty of every Urban Fire Authority to conform with the organisation for emergency as set out in the coordination scheme and with the directions given by any Mobilising Officer appointed under the coordination scheme or by the Chief Fire Service Officer with respect to the supply of men, plant, and equipment to the scene of an emergency fire.

(2) Where, in connection with an emergency fire, an Urban Fire Authority supplies men, plant, or equipment outside its district and the protected area for which it is responsible, it shall be entitled to recover the cost of so doing on the basis set out in the First Schedule hereto from:

(a) The Earthquake and War Damage Commission in the case of earthquake fire within the meaning of the Earthquake and War Damage Act 1944:

Provided that the cost shall not be recoverable from the Earthquake and War Damage Commission where the property for the protection of which the men, plant, and equipment were supplied or used was not substantially insured under Earthquake and War Damage Act 1944:

- (b) The Fire Service Council in the case of fire arising from enemy action:
- (c) The New Zealand Forest Service in any case where the emergency fire is in an area of which the Director-General of Forests or a Conservator of Forests has taken charge under section 35 of the Forest and Rural Fires Act 1955.

PART VI—GENERAL PROVISIONS

14. The Fire Services Regulations 1954\* are hereby revoked.

SCHEDULES

FIRST SCHEDULE  
Regs. 9, 12 (3), 13 (2)

CHARGES FOR ATTENDANCES OUTSIDE DISTRICT

(1) The attendance charges authorised to be charged by any Urban Fire Authority under regulations 9, 12 (3), and 13 (2) hereof shall be as follows:

	£	s.	d.
Brigade turnout charge .....	3	0	0
Charge per mile run for each appliance .....	0	2	0
Charge per quarter hour for pump operation .....	0	10	0
Recommissioning charge .....	Actual cost, subject to clause (2) of this Schedule.		
Charge for crew (subject to clause (3) of this Schedule) .....	A charge for crew costs, if any, calculated at the hourly rate normally payable by the Urban Fire Authority for fire duty.		

(2) The recommissioning charge may include the cost of any recommissioning service not normally regarded as brigade duty and such costs of replacement of plant and equipment expended, damaged, or destroyed during turnout outside the district as may be approved by the Fire Service Council as proper in the circumstances.

(3) Where the total time of attendance does not exceed twenty-four hours, the attendance charges are payable from the time the appliance leaves the station until it returns. Meals shall be provided or meal allowances at current rates shall be paid where the absence from the station exceeds four hours. Where the total time of attendance exceeds twenty-four hours and stand-by duty is involved, attendance charges shall be payable for the first twenty-four hours and thereafter for the hours actually worked (including travelling time), with a minimum of eight hours in each succeeding twenty-four-hour period. Accommodation shall be provided or sustenance allowances at current rates shall be paid where absence from the station exceeds twenty-four hours.

\*S.R. 1954/61

## SECOND SCHEDULE

Reg. 11 (3)

## REGISTRATION FEES

(1) Subject to clause (2) of this Schedule, the annual registration fee payable to an Urban Fire Authority by the owner or occupier of industrial premises in rural areas shall be:

Value of Property	Fee Payable £
Less than £10,000 .....	5
£10,000 to £25,000 .....	10
Exceeding £25,000 but not exceeding £100,000 .....	15
Exceeding £100,000 .....	25

(2) Where the premises to be registered are covered by an agreement providing for payment for services on an annual contribution basis, the fee payable shall be half the amount specified in clause (1) of this Schedule.

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 supplement the scheme of coordination of fire brigades which, by section 9 of the Fire Services Act 1949, the Fire Service Council is required to establish and operate. They also make further provision for the protection and registration of premises in rural areas.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 11 March 1965.

These regulations are administered in the Department of Internal Affairs.